THE NATION

FEBRUARY 18, 1961 . . 25c

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Frank J. Donner

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LETTERS

Herman Kahn and RAND

Dear Sirs: The new book by Herman Kahn, *On Thermonuclear War* [reviewed in *The Nation,* Jan. 14 issue] has provoked a great deal of discussion and controversy. Unfortunately, in many news stories, magazine articles and in the Letters to the Editor, the point of view expressed by Kahn has become identified with the official point of view of The RAND Corporation.

I think that it is essential to point out that RAND is a nonprofit research corporation with no official point of view—except for that of examining problems of national concern. Its research includes studies ranging from space travel to cancer research, from neutrons to neutrality. As a member of the Physics Division at RAND, Kahn has the privilege of publishing his opinions on matters of civil defense, nuclear war, national survival and so on. They no more represent the official views of the RAND Corporation than do the views of Teller at Berkeley, a physicist; Pauling at Cal Tech, a chemist; or Shapley at Harvard, an astronomer, represent the official views of these universities on social, political and economic matters.

On the basis of personal conversation, I can report that a number of senior members of The RAND Corporation who have examined these questions over the last five or ten years do not share Kahn's views, and I myself do not have these troglodytic, apocalyptic visions of Kahn.

RICHARD BELLMAN
The RAND Corporation
Santa Monica, Calif.

The Ignored Statute

Dear Sirs: In the splendid article "Forgotten Remedy for the Voteless Negro" in your Jan. 21 issue, the authors, Thomas I. Emerson and Arthur E. Bonfield, overlooked a very important matter. I made a study of the subject some fifteen years ago; as a result, I suggested to Earl Warren, then Governor of California, that the State of California sue the State of South Carolina in the U.S. Supreme Court to have the number of Representatives of South Carolina reduced from six to one in conformity with the provisions of Section 2 of the 14th Amendment and the enforcing statute of 1872. At that time, it took thirteen times as many electors to elect one Congressman in the State of Connecticut as it did in South Carolina, the two states having almost equal populations.

Messrs. Emerson and Bonfield, after quoting certain provisions of Section 2 of the 14th Amendment, say: "In addition to Section 2 an almost unknown statute, originally framed in 1872 and still on the books, contains the same requirement." Later on they say: "Certainly advocates of civil rights should mount a full-scale effort to force Congress to honor the Constitutional mandate."

A close reading of Section 2 of the 14th Amendment and the statute of 1872 reveals that the former reduces the "*basis* of representation" and that the latter reduces the "*representation*" of an offending state, according to the same formula.

Congress has no power to change the *basis* of representation. It does have the power and, indeed, the duty, to change the representation of an offending state in conformity with the mandate of Section 2 of the 14th Amendment. *This Congress did by the statute of 1872.* Such was the sole purpose of that statute. In other words, Congress *has honored* the Constitutional mandate.

It remains only for the courts, or a court, *to apply and enforce* the provisions of the statute. This no court can do unless and until proper action is brought before it for decision.

Congress has not failed to comply with this mandate. Nor has any court as yet failed to comply with it. *The failure has been in a proper litigant instituting and forming a proper action in a court having jurisdiction.*

There can be no doubt that the statute of 1872 is Constitutional. Section 2 of the 14th Amendment establishes its Constitutionality, and Congress, by this statute, having *expressly* complied with the Constitutional mandate, cannot, *by implication,* be said to have repealed that statute. That is, Congress cannot, *by implication,* withdraw its expressed compliance with that mandate. Indeed, it would seem that Congress cannot, even by expressed repeal, void the statute; that is, it cannot nullify its compliance with the mandate. To do so would be unconstitutional. Of course, Congress can enact further legislation in conformity with the mandate or, even without further legislation, the House of Representatives could enforce the statute of 1872.

Any action should be brought to apply and enforce the statute of 1872, not Section 2 of the 14th Amendment.

One other matter. The application and enforcement of this statute would benefit not only voteless Negro citizens, but voteless poor whites as well. There are more of the latter in the Southern and border states than there are of the former, and this might very well turn the political complexion of the South from ultraconservative to mildly liberal

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THE NATION

EDITORIALS

Management's Sad Day

For the past quarter-century, the heads of our great corporations have advertised themselves as men deserving of their six-figure salaries and seven-figure incomes. They have let it be known that they are members of a rare breed which could easily become extinct if not amply rewarded, a breed which furnishes the irreplaceable American executive without whom all technology, all practical endeavor, would come to nought. There they sit, the president of the company and the chairman of the board (sometimes combined in a single genius), brooding over the fortunes of the corporation, seeing with the X-ray eye all its intricate processes, moving about their hundred thousand minor geniuses and common employees like so many chessmen, and preserving the country from communism and chaos.

Now all this is changed — and by their own hands — in the aftermath of the electrical-equipment price fixing cases in which U.S. District Judge J. Cullen Ganey imposed fines of $1,924,500 on twenty-nine manufacturers and forty-four officials, and sent seven to jail. General Electric, which drew the largest fine ($437,500), made a typical announcement. It said, in effect, that its chairman, president and executive vice presidents did not know what every vice president and several thousand lesser functionaries did know. It said, if not in so many words, that almost anybody with a few years of business experience (it doesn't take too long for a good man to become a G.E. vice president these days) could pull the wool over the eyes of the high command. Over forty G.E. managerial employees were involved and seventeen were indicted. Yet listen to the G.E. announcement — the best that one of the finest publicity departments in the country could work up: ". . . The actions of these few individuals were not in conformance with company policy, but a deliberate violation of General Electric directive policy and of the expected high standards of our corporate way of life. The acts were ones of nonconformity and of conspiracy." In short, our high executives are moral men, but a little stupid. The court had a different view. The real blame, it said,

> . . . is to be laid at the doorstep of the corporate defendants and those who guide and direct their policy. While the Department of Justice has acknowledged that they were unable to uncover probative evidence which could secure a conviction, beyond a reasonable doubt, of those in the highest echelons of the corporations here involved, in a broader sense they bear a grave responsibility for the present situation, for one would be most naive indeed to believe that these violations of the law, so long persisted in, affecting so large a segment of the industry and finally, involving so many millions upon millions of dollars, were facts unknown to those responsible for the conduct of the corporation. . . .

There are compelling reasons for the corporations' throwing their hirelings to the wolves of the law. The companies face the possibility of civil damage suits from customers and competitors, in some cases for triple damages. Even so, the cost in prestige for the top officers is high. They may not be as smart as they pretended, but they are not stupid either. All that one can say for them now is that they must have nerves of steel and a firm belief in the infinite credulity of the public, to have maligned themselves so cruelly and, it may well turn out, to so little effect.

SEATO Was Never Healthier

Jim Becker, chief of the Associated Press Bureau in Manila, cables that the Philippine government "thinks SEATO has collapsed and is ready to write it off as an effective anti-Communist force in Asia." The *reason*, according to Foreign Secretary Felixberto Serrano, is that the United States, Britain and France have failed to meet the Laotian crisis by driving back the Communists by all military means necessary. Mr. Serrano wishes to fly to Washington to put the views of his government before President Kennedy—views which are shared by South Korea, South Vietnam, Nationalist China and "possibly" Thailand.

Why "possibly"? Thailand *must* share these views. The proof is in the February 6 *Insider's Newsletter*, which contains a heartwarming account of a recent visit

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of King Bhumibol and Queen Sirikit to West Germany. The King brought along 103 new suits made by a London tailor, who was thrice flown to Bangkok for fittings. The Queen had 130 dresses to cover her nakedness and her jewels featured a necklace of 250 pearls valued at $300,000. The royal couple traveled with 284 pieces of luggage and fifteen servants and courtiers, skiied for six weeks in Switzerland, and sampled the plushest hotels in every major capital of Europe. The thrifty West Germans could not understand "why Washington tolerates such extravagances while doling aid to such nations."

But why not? Everywhere, including Manila, SEATO is best defended in the banquet hall. Saigon is a little Paris, with the finest foods and liquors, night clubs comparable to those of Western capitals, snappy sport cars, and shop windows which rival those of Madrid. All this splendor cannot fail to impress the peasants and laborers and convince them that their interests lie with the West. This is the reason that a common Laotian can lick his weight in wildcats when fighting for free enterprise. Mr. Serrano should cease worrying; he merely fails to understand how communism is fought.

What Is News?

If the House Un-American Activities Committee (see article on page 143) were to disclose at a public hearing in Madison, Wisconsin, that a junk dealer on the city's outskirts had been a member of the Communist Party for three months in 1934, the disclosure would be rated top news by a sizable section of the press. But when Wisconsin's Governor Nelson urges that state's Democratic Congressmen to "vote against the continuation of this committee," it is news only to Wisconsin newspapers — and not even to all of them, by any means. At a recent news conference, the Governor spoke out in defense of several Wisconsin residents who had provoked the ire of Rep. Francis Walter by signing a newspaper advertisement calling for the abolition of the committee. Denouncing Walter's statement as "irresponsible and unwarranted," the Governor went on to say: "It is my opinion that the actions of this committee have served to violate Constitutional rights of freedom of speech and of public assembly. In an effort to combat a system that denies these freedoms, the committee has undermined the very freedoms that most sharply distinguish our democracy from the Communist system."

More recently, eighty-seven members of the faculty of Brown University, representing ten departments, signed a petition urging abolition of the HUAC. The Brown *Daily Herald* and a few Rhode Island newspapers were interested in the petition, but the wire services were not impressed with its news value.

Whatever its faults, the American press cannot fairly be accused of ever having minimized the activities of the HUAC. On the contrary, the coverage given to it has been so consistently extravagant in terms of lineage and so uniformly lopsided in emphasis as to suggest the existence of a private concordat, or some covert collaborative relationship, between it and large sections of the press. In fact, if the visitor from abroad were to judge the objectivity of the American press solely on this issue, he might well conclude that it was officially controlled in the manner of the press of Moscow, Taipei or Lisbon. If only for balance and variety, the critics of HUAC should be shown a measure of the close attention that the press has so long focused on the committee and its activities.

New Men and Old Follies

West Germany is now a proud and powerful creditor nation, while Uncle Sam is a panhandler, still rich for the moment but facing the prospect of losing his shirt in the process of trying to win the cold war. When he applies to Bonn for a handout, he finds out what a hard world it is. The butler shows him to the door, with perhaps a small tip to speed him on his way.

How did Uncle Sam and the good Germans get the way they are? Since 1953, acting as host to our military forces, West Germany has earned by honest toil some $3 billion. Then American firms, in strict accord with the principles of free enterprise, invested some $8 billion in Free Europe in 1955-59 alone, and a third of that went to West Germany. About half a million Germans are working for American or partly American firms at wages averaging 50c an hour, which is much nicer for the employer than paying $3.50, say, for the same work. Income earned in Germany is largely reinvested in Germany; and why not? It can earn more than in the United States, and is there any other criterion for sound investment? This does not complete the list of factors involved, but it gives an inkling of why the Germans are rich and Uncle Sam goes around *schnorring*.

How easy it is to insult the forgiving former enemy and benefactor! And, for Germans, how pleasant! Being asked for money, the Germans offered the round sum of $1 billion, made up as follows: prepayment of $375 million coming due on arms purchased from the United States, $787 million owed the United States in settlement of postwar debts (previously scaled down from $3 billion to $1 billion) and some minor items. But $787 million plus $375 million add up to $1,162 million. However, during the war the United States seized enemy alien assets (Schering, Rohn & Hass and Hugo Stinnes Corporation) valued at $428 million. West Germany agreed in 1954 to reimburse its nationals for their seized property, but now it is 1961 and the Germans demand

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$187 million as a discount, in recognition of the sacredness of private property. And don't come around again, Uncle Sam! No enlarged contributions to NATO, no aid to the defense-strained budgets of countries like Greece, Turkey and Jordan, no nothing. The German position is, in effect, that Uncle Sam should have been more provident while he had it.

Uncle's remedy is far from clear, for the way the Eisenhower administration managed these matters (to keep Adenauer in power) now makes it possible for the good Germans to do more to Uncle than he can do to them. For one thing, the West Germans hold monetary reserves of more than $7 billion. About 40 per cent of this tidy sum is in gold. As Paul Heffernan points out in *The New York Times* financial section (February 5), there is nothing to prevent Germany from switching the balance, now invested in liquid short-term securities, into gold. This gold, about $4 billion worth, would have to come mainly from Uncle Sam's diminishing reserves. ". . . It is hard," writes Heffernan, "to escape from the uncomfortable thought that Uncle Sam is not bargaining from strength."

GAMBLE IN THE CONGO . . *by Jane Stolle*

United Nations, Feb. 10

AS THE Security Council, having met for the eighth time on the Congo problem, takes a few days' breather, it appears that the positions of the United States and the Soviet Union are farther apart than they seemed to have been in the first days of the Kennedy Administration. At that time, there seemed reason to hope that an agreement could be negotiated on the following basis: (1) compliance by Belgium with earlier U.N. resolutions calling for the withdrawal of all her military and paramilitary forces; (2) release by the Congolese of all political prisoners, including Lumumba; (3) reconvening of the Congolese Parliament, and (4) neutralization of Mobutu's army.

This four-point approach has been here set forth in the order of priority desired by the Russians. But preliminary U.S.-Soviet talks at the U.N.—preliminary, that is, to the Security Council meeting—apparently showed that the United States favored what was almost exactly a reverse of this priority, with the withdrawal of Belgian troops to come last, or nearly last. The Russians argued that neutralization of the Congolese Army would be facilitated by the exit of the Belgians, and that if Parliament were reconvened before the political prisoners were released, a problem in logistics would arise—some members of Parliament would still be in jail. The Americans appear to have argued that the Belgians must not be asked to remove their troops until a certain stability had been achieved in the Congo—a stability obtainable by prior enforcement of the other three conditions.

Neither the Soviet Union nor the United States has spoken out in meeting, as of this date, on any of the main points. Only France, among the big powers, took the floor, and her elegant, white-maned Ambassador Armand Berard either skirted the points adroitly or dismissed them as characteristic meddling in the internal affairs of the Congolese state.

Certain gigantic roadblocks to a solution of the problem have been thrown up by the Congo itself. Disarm the Army? Any attempt to disarm Katanga's provincial forces would be tantamount to a declaration of war, declared President Moise Tshombe; and General Mobutu, in Leopoldville, replied to the talk of disarmament by putting his contingents of the Congolese National Army in a state of general alert. The pro-Lumumba forces have as yet taken no official notice of the "threat" of disarmament, but no one doubts that they, too, would object.

THUS, if Secretary General Hammarskjold is given a Security Council mandate to disarm the Congolese, and the Congolese themselves are not "pressured" into laying down their arms peaceably, the United Nations must be prepared to take the consequences. But no one expects the world organization, founded to maintain peace, will assume the awesome responsibility that could be involved in these consequences.

So we come back to the all-important question: How far are the United States and the Soviet Union willing to budge from their original positions?

Will the United States cease its support of the Kasavubu regime and of the Belgians? (What price NATO alliances?) If not, and the United Nations operations in the Congo are withdrawn (as Mr. Hammarskjold predicts they might well have to be), what will be the cost to the U.N.? And what about the cost to the prestige of the Secretary General himself?

As for the Soviet Union: what are the conditions under which the Kremlin, given its past invective-ridden criticism of the Secretary General, would approve increased U.N. responsibilities in the Congo? Do the Russians really want to "get" Mr. Hammarskjold? And if they do, will they operate by seeking to curtail U.N. responsibilities—or by increasing them to the point where they become unbearable?

It may be too late for the United States—even with the best will in the world, translated into suitable policy changes—to alter now the course of events. It may be that the Secretary General has lost the great gamble he took with U.N. power and prestige in order to keep the cold war from the Congo. This, in any case, is the reasoning of many old

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hands at the U.N., and here is how they see things:

Mr. Hammarskjold, in a swing around Africa and Asia in the winter of 1950, saw at first hand the appalling problems facing the emergent countries in their struggles to become viable, independent nations. Domestic conditions of chaos, he knew, were foci for international meddlers. Perhaps the U.N. could help. The means at his disposal were minuscule, but they were enough to set up at least a skeletal international operation in a "sample" country. The Congo seemed to provide the needed sample when the Belgians left it in such haste that the ill-prepared Congolese were unable to keep even minimal public services operating. The original call from the Congolese government was for U.N. troops to neutralize mutinous elements in the Army and to oversee the orderly exodus of Belgian troops. As an afterthought, and prompted by the U.N. Secretariat, it asked also for technical assistance.

Here was the opportunity the Secretary General wanted for his organization. Secretariat personnel from all levels were rushed to the Congo—engineers, medical personnel, communications experts, river pilots. Mr. Hammarskjold hoped that a modicum of stability could be established; and he planned for the international cadre to stay only as long as the Congolese wished. It was a heady prospect: with the Congo as a showcase for other new nations, untold future possibilities opened up.

But Mr. Hammarskjold gambled on three things: the good will of the Belgians, the good will of the Soviets and—even more unrealistically—the reasonableness of the Congolese. The Belgians (supported covertly by the United States) would not get out as promised; the Soviets got out officially, but stayed by proxy; and the Congolese simply proved not up to the responsibility of nationhood.

Admittedly, this is an oversimplified version of a tortuous tale. At this writing, the likelihood of a happy ending is remote.

NEW APPROACH TO RUSSIA

THE PROBLEMS THAT UNITE US . . *by Harold J. Berman*

KENNEDY'S Inaugural Address has once again raised hopes for a settlement of the major problems that divide the United States and the Soviet Union. In calling upon our adversaries for international arms control, for joint exploration of "the stars . . . the deserts . . . the ocean depths," for common efforts to eradicate disease and to "encourage the arts and commerce," and for cooperation in creating "not a new balance of terror but a new world of law," the President followed in the footsteps of Roosevelt, Truman and Eisenhower, all of whom, at one time or another, with varying degrees of eloquence, voiced similar aspirations.

Yet, another note in Kennedy's plea may save us from the recurring disillusionment which since 1933 has characterized all efforts to find a rapprochement with the Soviet Union. Together with the cosmic vision of peace, the President's remarks contained an awareness of the slow, laborious steps which must be taken to realize that vision. "All this will not be finished in the first 100 days . . . nor even perhaps in our lifetime on this planet. But let us begin. . . . Let us begin anew. . . ." His call was for a return to "civility" in our relations with the Russians, and for "a beachhead of cooperation."

The Inaugural Address was not the place to spell out the details of what is involved in establishing such a "beachhead." Yet it is important for the President, and for the people in high places and low upon whose support he depends, to recognize the fundamental differences between a foreign policy which starts from the cosmic dream of a world at peace and is incapable of taking the first step toward realizing that dream, and a foreign policy which starts at the beginning, where we are, and moves step by step in the direction of peace.

International politics, no less than domestic, is the art of the possible. What is immediately possible, in our relations with Russia, is to take a series of concrete steps to eliminate some of the petty, artificial barriers to normal intercourse which have been created by both sides over the past years. If we do that, it will clear the atmosphere for a discussion of the larger issues of war and peace. If we do not, such discussion is likely to be tainted with suspicion and distrust, and to turn once again into a propaganda battle in which each side self-righteously accuses the other of attempting to deceive the world with fine phrases.

HERE ARE a few of the steps which could and should be taken to establish a "beachhead of cooperation":

1. Our State Department should invite the Soviet government to enter into negotiations for a civil air-transport agreement which would permit American commercial planes to carry passengers and freight to the USSR and Soviet commercial planes to carry passengers and freight to the United States. In 1959, the two governments agreed in principle that such an agreement should be negotiated. In July, 1960, negotiation was scheduled to commence in Washington, but almost at the last moment our government canceled the meetings on the ground that the atmosphere was not propitious. A request by the Kennedy Administration to start the negotiations would be a symbol of its belief that the atmosphere has changed. This is a

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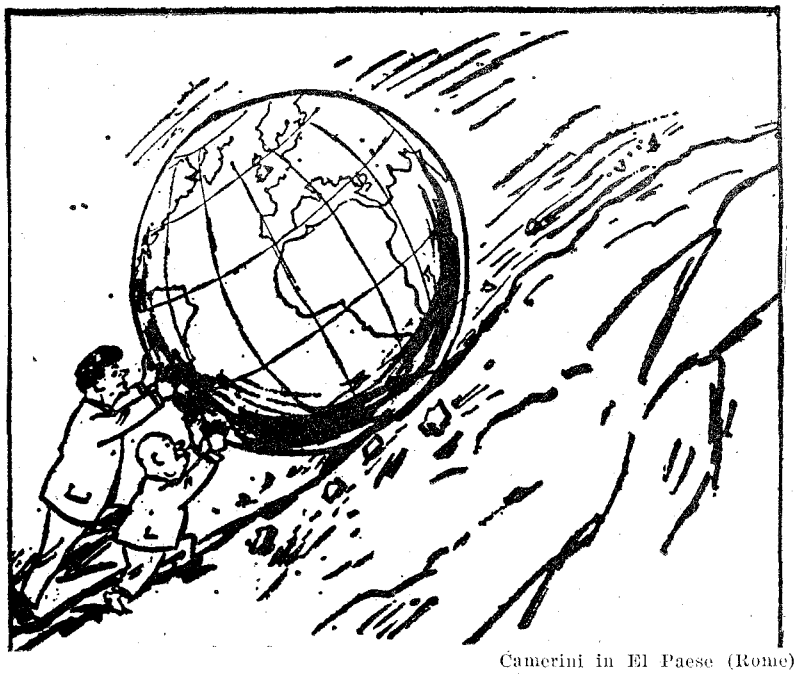
simple matter, which should frighten nobody; the Russians have similar air-transport agreements with Britain, Denmark and other Western countries, and the absence of a U.S.-USSR agreement is disadvantageous to both sides.

2. Negotiations should be commenced for a reduction of trade barriers on both sides. Here again the aim should be the achievement of mutual benefits. Our various restrictions upon imports from the Soviet Union (chiefly tariff discrimination and prohibitions of some—not all—Soviet furs) probably hurt us more than they hurt the Russians. Similarly, their barriers to the American trader who seeks to study their export and import potentialities and to enter into direct relations with their producing and consuming units are at least equally disadvantageous to themselves. The problem of strategic controls of exports should be resolved by the negotiation of a bilateral agreement of the type which other Western countries have long had with the Communist countries, under which each government agrees in advance to authorize the export of particular goods in particular quantities. Although the new foreign trade study of the Magnuson Committee on Interstate and Foreign Commerce has not yet been published, there are indications that it contains recommendations similar to the ones suggested here.

3. So-called "cultural exchange" should be greatly expanded. The concept of "reciprocity," by which it has been dominated, should also be greatly expanded. If a Soviet professor comes to this country, or if an American professor goes to Russia, to study or teach, he benefits, we benefit, they benefit, the world benefits—if the professor is good; if he is not good, everyone suffers. To insist, as our State Department and the Soviet government have both insisted, that there be a *quid pro quo* in each case—an American professor in Russia for every Soviet professor here—is to adopt a barter principle which is fallacious even when applied to the exchange of goods, let alone the "exchange" of professors. Moreover, American universities should be free to invite Soviet professors without permission from Washington, and Washington should be relieved of the legislative requirement that Soviet professors who are, or have been, members of the Communist Party cannot enter the country without special dispensation from the State Department. On the Soviet side, there is—to put it mildly—considerable room for improvement of the research facilities available to American graduate students and professors.



Camerini in El Paese (Rome)

"Let's stop it before the descent gets out of hand."

4. Travel restrictions should be relaxed on both sides. The policy of declaring various American cities off limits to Soviet visitors, which our State Department adopted as a device to compel the Soviet government to reduce the number of restricted areas in the Soviet Union, has annoyed a few Russians and many Americans, but is apparently accepted by the Soviet government with equanimity and perhaps even satisfaction. We should ask Mr. Khrushchev—who said last fall that he would like to see a million American tourists in the Soviet Union—to remove some of the petty Soviet restrictions which still exist, and to expand the area of permissible travel. We should do the same for Soviet tourists in this country—whether or not he accedes to our request. For here, too, "reciprocity" is out of place; we benefit from the presence of Soviet tourists in, say, Boston, "the cradle of liberty," just as much as they do.

5. Our restrictions on transfer of funds in estates to Soviet beneficiaries should be relaxed. This is a matter of state law, but in fact the probate judges almost always consult the State Department to determine whether there are federal regulations or considerations of foreign affairs which should guide them. The State Department's response in the past has been cautious and, in effect, discouraging; and many, perhaps most, probate judges have exercised their discretion to withhold the funds on the ground that the Soviet beneficiary would not have the "benefit, use and control" of them. A more encouraging attitude on the part of the State Department — and one which corresponds more closely to the actual views of the State Department officials who know the situation best —would lead to different results. Also, a Treasury regulation which prohibits the sending of government checks to iron-curtain countries (except Poland) should be withdrawn: it speaks in terms of disrupted postal conditions in those countries, and for the most part serves only to deprive relatives of U.S. Army veterans of the benefits to which they are entitled. (Soviet law, incidentally, imposes no restrictions on transfer of funds in Soviet estates to American beneficiaries, and in fact several

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American beneficiaries have received funds from Soviet estates in recent years.)

6. An agreement is needed to protect the rights of American authors whose works are published in the USSR and of Soviet authors whose works are published in this country. We are probably not ready for a copyright agreement of the usual type, which would repose power in the author to prevent translation of his work in the other country. A compensation agreement, however, could be devised which would assure the author of recompense out of any profits earned by publication of his work in the other country, and would also protect the author against distortion of his work by omissions or changes.

7. An agreement is needed to assure legal protection of citizens of the United States accused of crimes in the Soviet Union, and of Soviet citizens accused of crimes in this country. The Roosevelt-Litvinov exchange of letters in 1933 contained an agreement in principle that in such cases the accused should have the right of access to counsel from his own country. This agreement was never implemented by treaty. It should be implemented now and, with it, other measures of legal cooperation should be adopted.

THERE ARE many other steps of a similar modest character which should be undertaken to establish "civility" in our relations with the Soviet Union—civility not only in the sense of adherence to traditional rules of diplomatic intercourse, but also in the sense of civilized relationships between the peoples of our two countries.

Of course, it is not suggested that any of these steps can be taken without great difficulty. On the contrary, the faltering experience of the eight years since Stalin's death shows that only by the most determined and imaginative effort can strength gradually be restored to the paralyzed body of Soviet-American relations. But the process is seriously impeded by those—in both camps—who wish to go too fast, as well as by those—in both camps—who say it cannot be done at all. Herein is the virtue of the President's stress on a start, a beginning of a lifetime's task, a beachhead.

Herein, too, is the virtue of Mr. Kennedy's stress on cooperation. "Let both sides explore the problems that unite us," he stated, "instead of belaboring those problems which divide us." Admittedly there are fewer of the former than of the latter. Yet by concentrating solely on conflict and competition, we lose the capacity to advance the interests which we have in common. Soviet-American relations are not, in the language of game theory, a zero-sum game, in which everything that hurts them helps us and everything that helps them hurts us. There are areas, especially in "the arts and commerce," in which there is room for mutual benefits. In exploring those areas we can build a foundation which may, in the course of time, support a larger structure of world order.

TRAFFIC JAMS in the AIR . . *by Carl Dreher*

WRITING IN *FORTUNE* in September, 1956, Edmund L. Van Deusen warned, "Before commercial jets start flying the airways in late 1958, the U.S. must have a traffic-control system that maintains 'positive control' of all aircraft at all times, good weather or bad." The jets have been flying for two years, and we still have nothing approaching such a system. What we have is a makeshift system which grew by piecemeal accretion in response to urgent necessity, always too little and too late. It has failed to keep up with increasing speeds of aircraft and airport congestion: that major accidents have not been more frequent is due mainly to the skill and vigilance of controllers and pilots. But human senses and nerves have their limitations. The over-all accident rate so far has been tolerable, but as the shift to jet propulsion continues and the toll rises, the public might finally be deterred from flying routinely for business and pleasure, and the air-transport industry could revert to something like its status of the early thirties, when the patrons were mainly the adventurous and those flying to funerals.

This would, indeed, be a solution of sorts, but hardly one befitting a nation hellbent on being the first to send a man into space. More to be desired are guidance and terminal facilities that will enable an increasing number of passengers to fly in increasing safety. A properly integrated system of air travel will not be achieved easily or at small expense, but then, radical problems call for radical solutions. In the meantime, some improvements that might well reduce the frequency of accidents could be made quickly and inexpensively.

On December 16, 1960, a United Airlines DC-8 jet passenger transport bound for New York International Airport (Idlewild) collided over Staten Island with a Trans World Airlines Super Constellation approaching La Guardia Airport, killing all 128 persons on the two aircraft and six more on the ground. It was almost immediately apparent that the TWA Constellation was where it belonged (in the Linden, N.J., holding pattern) and that the collision occurred because the United jet, for reasons unknown, had overshot its holding pattern (Preston, N.J.) some eleven miles to the south.

In a high-density area such as this — and New York is about as bad as they come — a Federal Aviation Agency air-route control center is responsible for traffic management, including radar surveillance, of all

CARL DREHER, a writer with an engineering background, is a frequent Nation *contributor.*

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traffic bound for all airports until, at about twenty miles' radius, it transfers jurisdiction to the approach control center of the airport for which the aircraft is heading. The aircraft is notified by radio that the route-control center is relinquishing radar surveillance. In this instance, New York Center duly turned the jet over to Idlewild Approach Control — which never picked it up on its radar. La Guardia, which had the Constellation on its scope, did see the jet and warned the Constellation of its proximity, but either things were moving too fast or, for reasons which are discussed below, the warning was not taken seriously. The crucial point is that, while the jet pilot may or may not have known he was off course (most likely he did not know), the airport responsible for bringing him in most certainly did not know it.

Radar, as everyone familiar with it realizes, is not infallible, and the system presently in use on the civilian airways is especially defective in one respect. Even so, it is better than nothing, and the more so when aircraft prepare to land in bad weather. It is therefore of utmost importance that between all route centers and their airports there should be a positive radar interlock so that, incoming, the route center will not "hand off" an aircraft until the airport-approach control sees it by radar and, outbound, the airport must not relinquish radar contact until the center has definitely and verifiably taken it over. The "radar gap" cannot be allowed to continue to exist a day longer than it will take the FAA to obtain the necessary personnel and equipment.

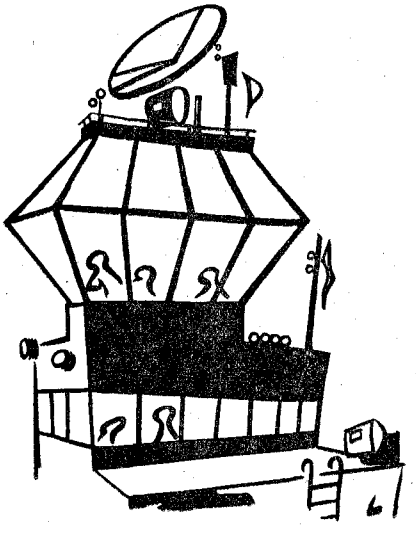
MEANWHILE, the pilots should know where they stand. Apparently some of them, at least, are at a loss. Richard Witkin, aviation editor of *The New York Times*, quotes testimony of United Air Lines pilots at the Civil Aeronautics Board hearings to the effect that until the December 16 collision most pilots were not aware that they were not receiving continuous radar service in terminal areas. They assumed that "Big Brother . . . was solicitously watching them every moment." If this is true, Witkin goes on, "it says something very frightening about coordination between pilots and those in charge of traffic control." Surely misunderstandings need not be piled on top of shortages of equipment and qualified personnel.

THE JOB of the ground controller is one of the most nerve-racking in the whole of industry. But greater difficulties lie ahead. No new transports propelled by piston engines are being manufactured, but some 1,500 of these relatively slow-moving aircraft are still flying, together with about 200 jet transports already delivered to the airlines. Within a few years, many of the piston-engine transports will have been retired and the air will be full of jets cruising at speeds just below the supersonic and, even near airports, at speeds of 200-300 mph.

Looking farther ahead, a Mach 2 (1,300 mph) transport is on the drawing boards and a Mach 3 (2,000 mph) is to be developed in conjunction with the B-70 bomber. It is estimated that a saving of one hour a day on the ground for a Mach 3 transport will be worth $3.5 million a year to its owner, consequently the economics of the supersonic jet age will call for minimum hold-up before landing and as few diversions to unscheduled airports as possible. Obviously, these situations will be manageable only with a much higher degree of automation than anything now envisioned. Such systems do not spring full-blown from the brow of some aeronautical Jove. They are produced by teams of experts provided with ample funds and the feeling that they are not stepchildren or second-stringers of the space age.

Being only human, engineers tend to go where the money and prestige are, which means that they go where society tells them the really important problems are. The space-program task force headed by Jerome B. Wiesner, now President Kennedy's scientific adviser, cited "a general belief in the aviation industry that the national preoccupation with space developments has all but halted any advance in the theory and technology of aerodynamic flight." If this is true — and there is considerable evidence to support it — it is more than a surmise that progress in developing devices and procedures to promote air safety has likewise been relegated to secondary status.

The United States does not produce nearly enough scientifically trained engineers, and when a large proportion of the best ones are siphoned off into space activities, that alone is bound to skimp seminal thought in aeronautics and other underdog fields. The air traveler does not realize it, and the government and the corporations may not realize it either, but it may be a choice between getting our astronaut



to the moon first, or getting the anonymous air traveler to his terrestial destination in one piece.

In aeronautics, as elsewhere, military projects normally take precedence over those serving the public: radar is an example. Conventional radar used in civil aviation is two-dimensional, showing only the bearing (direction) of an aircraft and its range or distance. It tells nothing about altitude. Consequently blips (aircraft traces) merging on a controller's scope do not necessarily have any significance: the corresponding aircraft may be 10,000 feet apart in altitude. This is not only a technological defect, it is bad psychological conditioning for both pilots and controllers. The controller is accustomed to an indecipherable conglomeration of blips in a congested holding stack — like worms in a can, as they say. A jet pilot flying from Chicago

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to New York is similarly desensitized by the fact that the controllers may tell him of dozens of airplanes that appear in his vicinity on the scope. Almost always these are small aircraft flying far below him. If he changed course every time he received such a notice, his passengers would quickly switch to another airline. Lacking altitude measurement facilities, neither the controllers nor the pilots can distinguish between what is significant and what is insignificant.

It seems probable that the controller at La Guardia on December 16 could have averted the collision if only he had known that both aircraft were at 5,000 feet. He told the Constellation, ". . . traffic at two-thirty six miles northeast bound." That was the jet. At six miles evasive action was still possible. Then the controller said, ". . . that appears to be jet traffic off your right now three o'clock at one mile northeastbound." At one mile it was too late, even if an order to change course had been given. The Constellation was not heard from again. It was not until minutes later that the La Guardia controller learned from Idlewild that the jet had last been cleared to 5,000. "Oh boy," he said then, "our man was at five too."

ACCORDING to a spokesman from the FAA, it will be three to five years before three-dimensional radar is available for civil aviation. And then, he complains, "it will raise the cost of our radar several fold." Military aviation appears to be in a happier position. An Avco trade paper advertisement refers to the Air Force's FPS-26 height-finder radar with a reflector three stories high, now in production at Avco's Nashville plant. A news item in the December 19, 1960, *Missiles & Rockets* describes Hughes Aircraft's "Frescanar," a single-antenna radar system "capable of pinpointing simultaneously a target's range, bearing and altitude" which is said to be "standard equipment on Talos, Terrier and Tartar armed ships." According to Marvin Miles, the space-aviation editor of the *Los Angeles Times*, Frescanar has a range of 100 miles, reaches up to altitudes higher than airplanes can fly, and presents "instantaneous display of three-dimensional, multiple-target information." It has been in operation since 1958. Gilfillan Brothers of Los Angeles advertises that with 1950 as the baseline, radar altitude coverage, "the most critical factor in jet guidance," has been increased more than 400 per cent — for USAF jets. And no one seems worried about cost.

IN ADDITION TO 3-D radar, civil aviation urgently needs DME — distance measuring equipment. An airplane may be navigated with the aid of two intersecting radio beams or, more precisely, by flying a single beam and measuring the distance to the transmitter. In 1952 the Civil Aeronautics Administration began installing a DME system based on its existing VOR (Very High Frequency Omnidirectional Radio Range) stations. The Navy was unhappy because the antennas suitable for VOR reception were too large to be easily mounted on aircraft carriers. The Air Force joined the Navy in support of another system, TACAN (Tactical Air Navigation) which was to be developed by IT&T. While TACAN was still wrapped in security, the CAA equipped over 360 ground stations with VOR-DME. By this time the military had $175 million invested in TACAN. They abruptly declassified TACAN and launched it against VOR-DME. The ensuing melee lasted for years. Finally a compromise called VORTAC was agreed on and is now about ready to be installed on air transports. If the AF-Navy-CAA-FAA battle had been averted, or settled soon enough for substantial numbers of commercial aircraft to have been equipped with DME, the DC-8 might not have overshot its holding area. General Quesada, the former Administrator of the FAA, pointed out that United Air Lines has only two aircraft equipped with DME, while the military have 13,000 so equipped.

Still another device which might help to avoid mid-air collisions is an electronic inter-aircraft anti-collision device, which has been seriously researched only since the Grand Canyon collision of 1956. "Most devices tried so far cry 'wolf'," commented Gen. Quesada. "We are very discouraged." The problem is indeed a difficult one, but perhaps progress would have been more rapid had the objective been pursued with the same urgency and disregard for cost as, for example, the Air Force's nuclear-powered airplane, on which nearly $1 billion has been spent so far and another billion is estimated to be needed before the first test aircraft can be put in the air — if it flies, that is, of which there is no assurance. If it does fly, estimates of the cost of building a fleet of nuclear planes run to $10 billion-up.

Most engineers agree that a nuclear-powered plane would be so overpowered as to constitute an engineering monstrosity. Why do they want it, then? In an essay on "The Payoff in Nuclear Propulsion" (*Nuclear Flight*, edited by Lieut. Col. Kenneth F. Gantz, USAF, 1960) Lieut. Gen. Roscoe C. Wilson, USAF, indicates that while the aircraft might not fly very fast (he speaks of Mach 0.9 based on today's technology), it could stay aloft for a period limited only by the endurance of the crew, estimated to be about five days. Among other advantages, this would permit keeping as much as 50 per cent of the bombers on air alert. "Strategically placed around a sensitive area," writes General Wilson, "the airborne alert would be invulnerable to attack and in its close proximity to the enemy heartland would constitute an ominous deterrent." This contains several optimistic assumptions, but the purport is clear. He wants to keep a major part of the nuclear-powered SAC buzzing around the borders of the Soviet Union—if they stay outside, that is. How many billions this would require, how many engineers would be diverted from air safety and other useful tasks, to what extent the chances of averting all-out nuclear war would be diminished—why worry about such trifles?

THE perilous moments of flight are during the few minutes following takeoff and preceding landing. This is inherent in the conventional aircraft, stemming from the Wright brothers' invention, which secures

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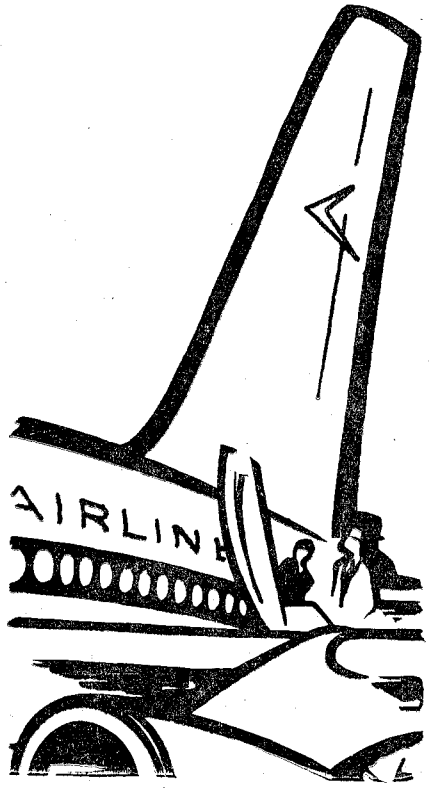
aerodynamic lift by airfoil design and forward speed. For a heavy aircraft such as a passenger transport, a long takeoff run is required to attain the speed necessary for lift; once airborne, the aircraft will fall unless flying speed is maintained, and approach and landing speeds must likewise be dangerously high. Obviously, if transports could be designed to take off and land vertically or on short runways, and to be capable of hovering like helicopters, flying safety would be greatly enhanced and the problems of airport location and airspace utilization would be immensely simplified.

The VTOL (vertical takeoff and landing) airplane uses upward propulsion provided by a jet, or other reaction motor, to get off the ground and climb, and to descend vertically. The STOL, a less radical departure, requires a short runway. Considerable theoretical analysis and initial experimentation have been done with aircraft of these types, so far for military purposes only. If the military development is successful, passenger transports might conceivably follow. At present the project is wrapped in technological confusion and civilian applications are in the realm of pure speculation.

SENATOR Mike Monroney has suggested that in some areas, such as the New York complex, with its 173 airports in a rectangle forty by fifty miles, traffic has become so congested that the volume may have to be reduced by legal restrictions. If anyone must be legislated out of airspace, it should not be the airlines: they are common carriers, performing a necessary function and able to sustain it in the courts. Also, while they fly a lot of passenger-miles, the scheduled domestic carriers do not comprise more than 1,750 aircraft, as against 25,000 operated by the military, and some 5,000 multiengine aircraft operated by corporations for transportation of employees and executives. These corporate aircraft are of airliner size, with the addition of bars, card tables and tiled lavatories. A good deal of their business flying is for fishing trips, deer hunting and the World Series. If restrictions must be imposed, this is one phase of flying which calls for Congressional evaluation.

Should V/STOL prove impracticable, it may become necessary to move major airports fifty or sixty miles away from city centers to obviate flying over densely populated areas, to abate the noise nuisance (which sometimes increases hazards by restricting what might otherwise be the preferred approach) and to provide buffer zones of vacant land which, in a dire emergency, might enable a pilot to make a landing that his passengers could walk away from, instead of ploughing into a school or a row of houses. The main airports could have auxiliary fields for private flying, thus further increasing the areas available for emergency landings.

IN THE New York area, airports like La Guardia, Newark and Teterboro may have to be abandoned during the sixties and supplanted by a new system of peripheral airports with rapid-transit links to the city center. Idlewild might be retained, principally for flights to and from the South. A new airport might be built at a cost of perhaps $500 million in Suffolk County on Long Island for traffic to and from the East, while the West would be taken care of by an equal expenditure in Orange County, say. Traffic from the North could come into the Westchester County Airport, now a white elephant used for Air National Guard training. Increased utilization of this field would not please the surrounding estate owners, but it would not be too difficult for them to find suitable accommodations elsewhere. An airport is like a sewage disposal plant: though all alike contribute to its necessity, everyone wants it located near someone else's home.



But what of transportation between the outlying airports and the city? Is it not strange that a nation which literally aspires to the stars, which talks seriously of traversing at the speed of light distances measured in light-years (a light-year is about six trillion miles)—that such a nation cannot solve the problem of moving passengers and their luggage fifty or sixty miles in, say, a half-hour? Of course it could be done even faster by helicopter, and large city heliports erected on skyscrapers might be considered, but this would run counter to the policy of minimizing flying over cities. Rapid ground transport from and to airports is not an insoluble problem; at the same time it might help to rehabilitate the disintegrating commuter railroads.

THE accepted operating principle has been to run fewer and longer trains, making all stops and wasting the time of hundreds of thousands of passengers daily, year in, year out. Some of the longest trains in the world start, practically empty, fifty miles out, lumber into town with fifteen or twenty stops, and finally reach the city line well filled, having taken some two hours for the trip. This travesty on transportation is then repeated in reverse, the train starting from the city terminal filled and ending up with one or two passengers per car at the suburban railhead. When the patronage drops off, the road applies to the public service commission for another rate rise and gets it. Then it slows up the service still more, demands another hike, etc.

With modern two-car trains, electric or diesel-electric, and some modifications in the roadbed, express runs

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from all stations could be made at speeds of 100 mph. The crew would consist of an engine driver and conductor, or the station agent could collect the tickets and the engine driver alone could do the job. Where there was a bottleneck, such as the tunnel under Park Avenue in New York City, short trains could be coupled together for the final run into the terminal. With such a system, airline passengers alighting at the end of a flight could be brought into the city faster than by bus from a close-in and unsafe airport now.

Will it be done? I doubt it. It took years to force the airlines to use Idlewild. We do some things exceedingly well—building and operating supermarkets, department stores and mail order houses, for example, where energetic managements can encompass the problems and plan and finance adequate solutions. But where local, state and federal jurisdictions overlap with debilitated private enterprise and the criteria of the balance sheet rule implacably, technology is hamstrung. In the case of the railroads, long-continued financial malpractice finally brought the engineering down to its own level. In aviation, though capital is invested lavishly and the industry is not lacking in technological virility, things nevertheless are going awry. When so many interests are in conflict and each man does what he conceives to be in his own immediate interest—and every corporation likewise—long-range planning and execution, difficult at best, become nearly impossible. The country's technology is further hobbled and distorted by preoccupation with the aims of the cold war. It goes too fast, into space too deep, with rockets too weak, and on the earth it leaves undone, or only half-done, the things it should have done. If we reap sudden death, what else was to be expected?

NEW CONCEPT in AUTO INSURANCE . . *Peter Fabrizius*

EVERY YEAR, two million people are injured and forty thousand killed by automobiles in the United States. Under present laws, the victim (or his heirs), in order to recover damages for injury or death, has to prove the driver's negligence. As a consequence, a jury deciding an automobile accident case can rarely do justice to both parties and at the same time observe the letter of the law.

For example, a young woman in Pennsylvania was crippled for life when she was hit by a stone that had fallen from a building. The stone had been loosened three days earlier by workmen who had extricated a truck which, when hit by a car, had been propelled into the building. The woman sued the driver who had started it all. Could this driver have foreseen, in the split-second of an improper reaction, that he would force a truck into a building and that subsequently workmen would loosen a stone which would hit a passerby? This was the question the law asked the jury to ponder. The jury, disregarding the law, decided in favor of the crippled woman.

She was lucky. In San Diego, California, eight-year-old Barbara was run down by a car on which the brakes unexpectedly failed to work. "Why should a man be punished," argued the driver's lawyer at the trial, "who is not at fault?" Barbara heard the words from a wheel chair. Having proved that she had crossed the street with the green light, her lawyer countered: "Who is more innocent—the man driving a faulty car or this child who will limp for the rest of her life?" Barbara left the courtroom empty-handed. This time the letter of the law had won out: No fault of the injurer, no compensation for the injured.

IN MILLIONS of cases, juries have either come to obviously unfair decisions by adhering to the law or tried to be fair by flouting it. But deciding for the victim on the basis of sympathy can hardly be called justice, either. Courts have often awarded totally unrealistic amounts. California reviewing courts have confirmed as "not excessive" $25,000 for two teeth and $73,000 for a broken nose. Amounts up to $100,000 have been awarded for the loss of a toe. If, in such a case, the driver is uninsured, the verdict may ruin him. And if he has nothing, the victim recovers nothing. If the victim does recover damages, the lawyer (his partner in the gamble more often than not) takes up to one-half of the "proceeds."

It is precisely as normal a risk for someone to get injured on the road as it is for a workman in a shop. But the workman is automatically covered by workmen's compensation, while the traffic victim, after he recovers from his injury—if he does—must hunt up witnesses, confer with lawyers and wait many months for his trial. Millions of Americans get discouraged by the prolonged process and do not seek justice at all—or settle for a fraction of what they are entitled to. If they stick it out, they may find that their case has crumbled. Many months or years after the accident, and with fickle and perhaps corrupt witnesses, they may not be able to establish that the actions of the driver contained the grain of "negligence" upon which a favorable verdict might depend.

That the present system of liability insurance as practiced under various state laws is inadequate has been established by many surveys. The United States is still one of the very few Western countries which lack a national compulsory automobile liability insurance law. Only two states—New York and Massachusetts—have such a law, and what they have leaves many loopholes. It does not protect traffic victims who are injured by hit-and-run or out-of-

PETER FABRIZIUS is the nom de plume of a writing team, Max E. Knight and Joseph F. Fabry, who are editors of University of California publications.

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state drivers or, of course, by "non-negligent" drivers. Most other states have introduced so-called "safety-responsibility" laws. Under these, the driver need not insure for liability; but, if involved in an accident, he loses his driver's license unless he posts a substantial bond or takes out insurance. These laws, too, fail to protect the victim of the hit-and-run, out-of-state and "negligence-cannot-be-established" drivers; besides—and worst of all—under "safety-responsibility" laws the "first bite" is free.

THE FOSSILIZED legal fiction that compensation in accident cases depends on negligence is dispensed with in a practical auto-accident compensation plan advanced by Albert A. Ehrenzweig, Professor of Law at the University of California. His proposals, developed in two books, *Negligence Without Fault* and *Full-Aid Insurance* (University of California Press), have been adopted in part—and on an experimental and optional basis—by several Eastern insurance companies, and they appear to have inspired part, at least, of the current legislative program of Governor Brown in California. Counsel for a furniture manufacturers' association has proposed a similar scheme for that industry.

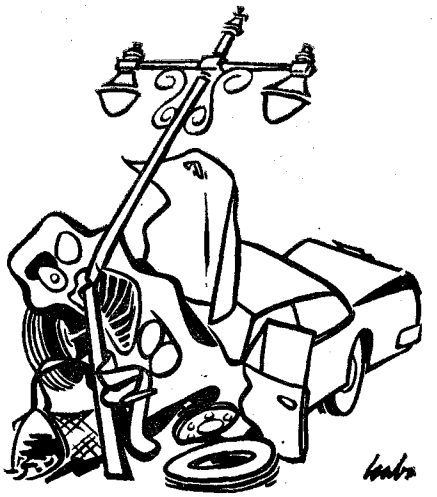
Here is how Mr. Ehrenzweig's Full-Aid Insurance Plan would work:

1. Every car owner would be compelled to insure his car for personal liability in an amount to be fixed by the state legislatures. He could freely select any insurance company.

2. The victim of an automobile accident would be entitled to a limited but adequate amount of compensation without having to prove negligence and without going to trial. He would file his claim with the insurer; if no agreement is reached on settlement, an arbitration commission determines the compensation according to fixed rates keyed to the type of injury, length of doctor's care, and the like.

3. For hit-and-run cases, and other cases not covered in the general scheme, a special "uncompensated injury" fund would be available. The fund would be administered by the insurance companies and fed in part by fines imposed on criminally negligent drivers (as explained later in this article) and possibly by tax funds which would be tapped as the pedestrian taxpayer's contribution for his own use of the road. Similar so-called "unsatisfied judgment" funds already exist in several Canadian provinces, in North Dakota and in New Jersey.

4. Even though he is to receive compensation through the Full-Aid plan, the injured party could still go to court for additional compensation in cases where he wanted to prove



that the injurer had been *willfully negligent*. To make these additional claims effective as punishment for drunk or reckless drivers, it would be impermissible to insure against them. If a driver wants to be reckless, he—and not the insurance company—will have to pay.

IMPORTANT precedents exist for the Full-Aid proposals. The principle of "no liability without fault" was, of course, abandoned in the Workmen's Compensation Act; the steel claws of modern machinery make this protection necessary, and it has worked well for almost fifty years.

A similar compensation principle has been applied to automobile liability in the Canadian province of Saskatchewan, where the traffic victim need not prove negligence nor go to court to collect damages. He is paid, automatically, certain amounts for certain types of injuries. But the system has drawbacks: compensation has been kept so low that usually the recipient uses the proceeds to hire an attorney and sue for additional money under the law of negligence. Moreover, the Saskatchewan system puts the government into the insurance business needlessly. Compulsory insurance did not mean government insurance in the case of workmen's compensation; neither would the Full-Aid plan.

But another precedent can be drawn on here at home. Nearly every automobile liability insurance policy now contains a clause entitling any victim of the insured to a minimum of $4,000 for medical expenses, whether or not the driver was negligent. The Full-Aid plan merely turns this "first-aid" clause into a comprehensive scheme.

THE objections raised to Full-Aid insurance include such essentially political slogans as "paternalism," "statism" or "socialism." Similar objections have been made to every new social scheme introduced in the past. Fifty years ago, people were saying the same thing about workmen's compensation. Another objection, the so-called "bathtub argument," points out that once we protect automobile victims, we may as well protect the victim of every accident—including the man slipping in the bathtub. Full-Aid insurance does not suggest that we go beyond the harm typically produced by typically dangerous activities of limited groups able to bear the risk, such as those of motorists, manufacturers or physicians.

A more serious objection, because more widespread, is based on the theory that protecting all victims, regardless of the negligence factor, will lead to carelessness. But the urge for self-preservation is too strong for anyone to be less careful because no financial sanctions are imposed on his conduct.

It may be that the "carelessness" argument is in reality a rationalization of something else: the desire of the victim for revenge against the culpable driver. To be sure, this desire is irrational; but it is human, and the law must take it into account. The Ehrenzweig plan does so without too great a sacrifice of the principle of equal protection of all victims. Part 4 of the plan (see above) contains these specific suggestions: (a) criminally negligent

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drivers would be deprived of insurance protection and would have to bear the risk of their actions themselves; (b) the victim of a criminally negligent driver, awarded damages in court or by a settlement, would have to pay a portion of his award into the "uncompensated injury" fund; (c) liability for criminal negligence would be measured by the degree of negligence rather than by the amount of harm done (this would restore to present law its historical function, which is primarily *punitive* rather than *compensatory*).

Objections have been raised to Full-Aid insurance on the basis of cost. No one can say whether limited compensation for "non-fault" accidents would increase the cost of insurance; one may argue, however that even if this were so, the plan would still be justified by imperative need.

Full-Aid insurance would protect the traffic victim, the driver, the insurance companies and the public, and would also preserve the moral principles of our present automobile liability laws. The traffic victim would be relieved of the burden of proof that the driver was negligent; he would be sure that his claim was collectible and that payments would be made swiftly. The driver—unless proved criminally negligent—need no longer fear financial ruin, and also would be spared the harassment of a court trial. The insurance companies would be saved from the threat of greater government interference demanded by the millions of frustrated traffic victims; they would receive the business of all those not insured at present, plus those who would like to protect themselves for loss greater than that contemplated by the plan. And the public would regain access to its courts, now clogged by traffic-accident cases.

'GREATEST LITTLE MAN in ASIA'.. *Huynh Sanh Thong*

ON JUNE 1, 1956, the American Friends of Vietnam held a public conference in Washington, D.C. One of the purposes was to sing President Ngo Dinh Diem's praises.

The absent guest of honor was then at the peak of his prestige in the United States. He had crushed the sects in the spring of 1955. Later, he had removed Bao Dai and the last traces of French colonialism. To crown these victories, he had seated himself and his multifarious clan on the throne of power, eliminating one by one all those who would or could challenge his rule. Legitimate opponents of the regime had not dared to protest, afraid to be mistaken for supporters of the ex-Emperor or the sects. The Vietminh, lying low and letting Diem do their dirty work for them and rid them of their own enemies, had done nothing to cramp his style either. To American optimists, it was proof enough that the Communists themselves had taken a beating at his hands. At the Washington conference, his supporters glorified him as a Saint George who had slain more than one dragon.

The principal speaker at the meeting was Senator John F. Kennedy. Like the other participants, he paid tribute to Diem. But unlike them, he added this veiled warning:

> [South] Vietnam represents a proving ground of democracy in Asia.... [It] represents the alternative to Communist dictatorship. If this democratic experiment fails, if some one million refugees have fled the totalitarianism of the North only to find neither freedom nor security in the South, then weakness, not strength, will characterize the meaning of democracy in the minds of still more Asians. The United States is directly responsible for this experiment—it is playing an important role in the laboratory where it is being conducted. We cannot afford to permit that experiment to fail.

On November 11, 1960, in Saigon, South Vietnam, three battalions of American-trained paratroopers, Diem's own best troops, attempted "a rebellion against an autocratic, corrupt and ineffective regime," wrote Sal Tas in the November 28 issue of *The New Leader*. Many among them had indeed "fled the totalitarianism of the North only to find neither freedom nor security in the South." Behaving like "gentlemen," they bungled the coup—at a cost of 400 lives—but their very failure dramatized the defeat of Mr. Kennedy's high hopes.

At this very late hour, an "alternative to Communist dictatorship" is yet to be found in South Vietnam. The reason is simple: no "democratic experiment" has ever been tried there since the day the United States decided to give all-out support to Diem and his clan in 1955.

DIEM did look at one time like the leader South Vietnam might need. Here was an aristocrat who, through his upbringing and education, seemed destined to become a living synthesis of East and West: a Confucian scholar-statesman, a Platonic philosopher-king and a devout Christian.

A few Vietnamese who could observe Diem at close range were less sanguine. They could not hold anything positive against him except this: he showed every sign of finding dialogue quite intolerable, and always managed to turn it into a marathon soliloquy. General John W. O'Daniel said in 1956: ". . . I visited him on numerous occasions and I listened to his theories for as much as two hours at a time."

As soon as he had consolidated his power, Diem proceeded to make his theories prevail. Uppermost in his mind seemed to be a conviction that

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HUYNH SANH THONG, now teaching the Vietnamese language at Yale University, belongs to the strongly anti-Diem Dai-Viet Nationalist Party of South Vietnam, whose members are either in jail, in exile or in hiding. Mr. Thong says that his anti-Diem activities in the United States have cost him at least three jobs in this country.

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he was God's chosen instrument to eradicate Evil from South Vietnam. Peppering his talks with quotations from the Bible, he inveighed against sins and undertook to legislate them out of existence: prostitution, gambling, opium-smoking, bribery. But the greatest sin, in his eyes, was to question his authority: anybody who criticized him could only be a lackey of the French, a Binh-Xuyen bandit or a Communist.

Diem was given a free hand to usher in the reign of godliness and cleanliness. Already known as an ascetic, a misogynist, and an incorruptible man, he lifted his reputation to new heights by his drive against vices. "The greatest little man in Asia!" wrote an American worshiper in the *Reader's Digest*. For the first time in Vietnamese history, a government smacked of a certain odor of sanctity.

It is perhaps poetic justice that a regime so hellbent on holier-than-thou slogans and edicts should have bred what an American journalist has referred to as "extra fancy corruption." The first major scandal to mar the immaculate façade of the regime broke out during its early days, implicating one of the closest members of Diem's family.

The government was mounting a much touted campaign against black marketeers at the time, making them subject to the death penalty. Some overzealous official discovered one day that there had been a brisk smuggling of rice across the partition line to the Communists. A few men were arrested, and the press raised quite a hue and cry against them. But soon it dawned upon the government that they had been plying their illicit trade only on the orders of Ngo Dinh Can, one of Diem's younger brothers and the "uncrowned king" of Central Vietnam. By then it was too late to hush up the affair, so the court went through the motions of putting the prisoners on trial. One was sentenced to death, and the rest received stiff prison terms. The real culprit was left untouched.

Not the smallest irony about the South Vietnamese government is the fact that, under a woman-hating President, it has invested a woman

Ngo Dinh Diem

with unprecedented power: Mrs. Ngo Dinh Nhu, Diem's sister-in-law and First Lady of the land. Together with her husband, who is Diem's chief political adviser and strategist, she maintains a stranglehold on the economy and is "believed to be at the heart of most major corruption in the country" (Stanley Karnow in the January 19, 1961, issue of *The Reporter*). This is an opinion which the man in the street in Saigon would not dispute: practically all the taxicabs and gas stations in the capital belong to the First Lady.

Mrs. Nhu's language and behavior in public tend to convey the impression that she owns and runs the government as well. Some years ago, she tried to push through the rubber-stamp National Assembly a certain bill designed to promote her family's interests and nothing else. A few foolhardy deputies thought that they should at least put up some token resistance and insisted on a debate. She promptly called them "mad dogs" (in French, too). Anyhow, with Diem's help, the bill became law. Pro-Diem Americans hailed it as a "milestone in the history of Vietnamese women's emancipation."

The nearly absolute power which the regime has secured has come near to corrupting it absolutely. The ultimate paradox is that, starting out as an enemy of communism, Diem has ended up by copying its worst features: rigged elections, a puppet National Assembly, a muzzled press, a monolithic party with secret cells and underground members, mutual spying elevated into a patriotic duty, arbitrary arrests, concentration camps, "agrovilles" reminiscent of Mao Tse-tung's communes, etc. Once again, the extreme Left and the extreme Right meet.

There is one difference between North and South, however. Because they have lived ostensibly austere lives, the Communist leaders in Hanoi have succeeded in palming off their totalitarian methods on the people as short-term means necessary to the achievement of long-term goals. They are not loved, but they still command respect. On the other hand, Diem has allowed complete license to members of his own family while he has denied freedom to the people; he has failed to keep his relatives out of mischief and curb their ravenous appetites while he has imposed sacrifices on the masses. That his own elite troops chose to attack him last November showed how thin his charisma had worn.

THE ARMY'S growing disaffection will probably bring about Diem's collapse some day not too far off. But of far more ominous significance in the long run is the extent to which he has antagonized the educated classes and especially the students. His obsession with survival and his disregard for the future of the country are nowhere more apparent than in the way he persecutes youngsters in high schools and universities: at the least signs of dissent, his secret police descend upon them, manhandle them, and herd them like cattle into "political re-education camps."

There are now twelve such academic centers in South Vietnam with a total enrollment of between 25,000 and 42,000. The exact number is less important than this sobering fact: many of the most fanatic Communists in North Vietnam today began their education as juvenile patriots on *lycée* benches and completed it in French jails, which Maxim Gorky would have called their "universities." Eventually, all of them graduated with flying colors: a yellow star against a red background. Vietnamese Communists, Class '61, are being trained by Diem in his "political re-education camps" and wait-

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ing for their graduation exercises.

How could the Diem myth have been foisted on the American public for some six years before it was exploded last November in Saigon? By a dual process: an official conspiracy of silence plus a Madison Avenue campaign of image building (for which the American taxpayer footed the bill, of course).

For reasons unknown, or that can only be guessed at, people in key positions both in Congress and the State Department, who could have brought corrective pressures to bear on Diem, always refrained from doing so when it was still time to save him from himself and his rapacious clan. The most notorious instance of American appeasement occurred in the summer of 1959. The U. S. Senate was then investigating charges of misuse of American aid in South Vietnam. Diem's opponents entertained the hope that, at long last, a frank diagnosis would be made of what was ailing the Sick Man of Southeast Asia. Instead, high American officials rushed to his bedside and handed him a clean bill of health. Since then, Diem has cracked down on his critics more ruthlessly than ever before.

It may be true that, by the summer of 1959, the process of make-believe around Diem had gone so far that there was no turning back. For this, the American Friends of Vietnam should be held chiefly responsible.

With the organization's avowed purpose, no one would quarrel, of course: "a non-partisan group organized in support of a free and democratic Republic of Vietnam." And a distinguished group it is, too, whose roster reads like *Who's Who*.

As it actually operated, however, the American Friends of Vietnam was turned from the very beginning into a Diem propaganda outfit dominated by a relatively small but efficient group of activists on the executive committee. The fact that it was more interested in maintaining the *status quo* in Diem's favor than in promoting a "free and democratic Republic of Vietnam" was demonstrated beyond doubt in the days following the abortive coup. Without even bothering to inquire into the causes of the revolt, its executive committee dashed off a cablegram to Diem congratulating him on his "victory" and pledging its complete support. Of course, Diem was only too happy to splash the message on the front pages of his newspapers. It is not hard to imagine the damage that was done to this country's prestige in Vietnam.

IF THIS article places stress on mistakes and failures of American policy in South Vietnam, it is by no means aimed at minimizing American achievements there which speak for themselves. But the most imposing edifice will topple unless it is built on a sound foundation, and it is precisely the fundamentals of American policy that have inspired concern.

For instance, American policy in South Vietnam seems to have rested on the assumption that the United States must ally itself with anyone who is fighting the Communists at the moment. Theorists and practitioners of power politics *à outrance* should remember that those who now oppose the Communists only to further their own dubious ends, and not out of any real commitment to freedom, will go over to the other camp for the very same reasons, if and when anti-communism no longer "pays." Democracy has more to fear from its false friends than from its sworn enemies.

Even more disturbing, perhaps, is an apparent misunderstanding on the part of Americans of the nature of communism. Odd how the professed doctrines of Marxism, if not its actual practices, have come to influence the unconscious thinking of leaders in the United States! For what do they believe in, if not an economic interpretation of history, when their first reaction to trouble abroad seems always to be the advocacy of more economic aid? Such aid is a tremendous source of power for good *or* evil, depending on why, how, and to whom it is given. It can energize the constructive efforts of free people. Or, enriching the privileged few, it serves only to exacerbate the hiatus between haves and have-nots and unleash disruptive revolutions.

The grim joke here is that the Communists themselves place much less reliance on the loaf of bread or bowl of rice as the prime mover of men than their theories may lead us to believe. To paraphrase an old saying, they pray as if the emergence of their Brave New World were up to blind forces of economics, but they act as if it were up to the sinews, hearts and souls of men. We take at face value the "materialism" which the Communists preach, and we smugly believe that their "crass" philosophy will spell their own downfall. We keep harping on their "big lies" which people around the world are intelligent enough to see through without our propaganda. At the same time, we underestimate and ignore the half-truths with which they are now feeding the minds of millions in North Vietnam and other countries.

The common people of Vietnam have a proverb to describe the South at present: "A house leaks from the roof down." The one problem is, indeed, a vacuum in leadership. There are straws in the wind that the Communists may make a resolute bid to fill it in the near future unless new, vital, progressive forces can pre-empt it early enough. The Vietminh are now roaming the countryside at will, killing some 800 "uncooperative" people a month, at the very time when the loyalty of Diem's army remains a huge question mark. The current war scare in Laos—to which Washington is reported to be giving top priority—has all the symptoms of a large-scale feint to keep the United States off balance and divert its thoughts and efforts from the deteriorating situation in South Vietnam, the Communists' real target.

WITHIN the next six months, President John F. Kennedy may be called upon to make the most agonizing decision in his life: whether to resist a Communist takeover not in Laos, but in South Vietnam—and if so, how and in whose behalf. As the Diem regime is proving day by day that it has long outgrown its usefulness and legitimacy, a fever for change is now at work in South Vietnam. Unless change comes with the help of America, it may well go against America and all that she stands for.

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THE CONGRESSIONAL PILLORY . . *by Frank J. Donner*

IN AN AGE of change, our political forms have remained relatively static. And most impervious to change has been the Congress of the United States. Yet the House Committee on Un-American Activities — in theory an agent of Congress — has brought into being the most significant new governmental form of our time. In the course of its twenty-three years of functioning — sixteen of them as a standing committee — it has ceased to act as a servant of Congress and has become master in its own house. Today it is in effect a fourth branch of government, exercising a miscellany of powers: legislative, in that it sets permissible standards of political behavior; investigative, in that it probes for violations of these standards; judicial, in that it passes judgment on the guilty and "clears" the innocent.

Like all Congressional standing committees, the HUAC is under a mandate to report out bills which are referred to it and, as an investigating committee, to investigate for legislative purposes.

But in the twenty-three years of its existence, the HUAC has held exactly seven hearings on bills referred to it (none at all in the decade 1950-1960). Of the 36,000 bills referred to various committees by the 83rd, 84th and 85th Congresses, only ten were sent to the HUAC (where all died without hearings).

As to its function of investigating for legislative purposes, the committee can claim credit, over a span of more than two decades, for just one statute: the Internal Security Act of 1950. And this one, vetoed by President Truman, still awaits a Supreme Court decision on its constitutionality.

What, then, does the HUAC do? It investigates — but for purposes quite other than legislation. Normally, a Congressional investigation is devoted to the sifting and gathering of facts. Whether the purpose is recommendation for new legislation, an appraisal of existing legislation, or a check on the conduct of executive personnel, the probe centers on an issue, an evil, a problem: e.g., "payola," the prize-fight racket, the high price of drugs, the Port of New York Authority. The need to throw factual light on the problem, whatever it may be, is all-important; it determines the nature of the evidence sought, the kind of witnesses called, the number, time and place of hearings. And when the subject is exhausted, the investigation is over and recommendations are made.

NOT SO with the HUAC. Presumably the "issue" with which the committee is grappling is communism. But the hearings held by the committee are designed to shed light not on the issue, but on the witnesses. It is the witnesses who determine where and when a hearing will be held; and, in the view of the HUAC, its inquiries can never be exhausted as long as there remain witnesses to be subpoenaed.

The HUAC's pre-hearing staff work consists, typically, of consultations with informers to obtain the names of witnesses. If the informer is ready to charge present or former Communist Party membership against anyone, a subpoena is issued. The victim may be a housewife, a preacher — or a butcher, baker or candlestick maker. All that matters is that he has been "named." He may have already been subpoenaed and exposed. He may have been known to the informer casually or intimately, twenty years ago or last week. He is a "name," and "*cherchez les noms*" is the battle cry of the committee.

Whether a witness is a good witness in no way depends upon his ability to give factual information. The sole test is his readiness to answer the question, "Are you now or have you ever been a member of the Communist Party?", and to act as an informer. If he is ready to do both, he is a "friendly witness"; if he refuses to do both, he is an "unfriendly witness."

The general nature of the witnesses furnishes the title of the hearings. If they are an assorted group from, let us say, Baltimore, the hearing is called "Communist Activities in the Baltimore Area"; it is known as an "area" hearing. If the informer has turned up with a clutch of teachers, the hearing is called "Communist Infiltration in Education" — an "infiltration" hearing. But except for the names, the transcripts of the area and infiltration hearings are completely interchangeable: the former tells us nothing about "activities" in Baltimore, and the latter as little about "methods of infiltration" in education. When hearings are printed, their indices will contain nothing but names.

AFTER YEARS of experiments with exposure techniques, the HUAC really grew into its style with the "Hollywood Ten" hearings of 1947. At the time, Representative Thomas, then the committee chairman, promised to show that Communists had introduced subversive propaganda into films and that "some of the most flagrant Communist propaganda films were produced as the result of White House pressure." Mr. Thomas' charges collapsed almost immediately, but that hardly matters. The committee quickly made clear that it wanted the movie industry to blacklist the unfriendly witnesses — and in this it succeeded.

The committee returned to the subject of Hollywood in the spring of 1951. This time it made no pretense of a concern with the content of films; its avowed purpose was to drive people out of the industry. A defector (Richard Collins) and a recanter (Edward Dmytryk, one of the Hollywood Ten who had been jailed as a result of the 1947 hearings), were the principal sources of names. And some names which they supplied became friendly and added more names. In turn these hearings and the economic pressures of the blacklist produced a new, bumper

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crop of informers who made possible a third series of hearings in late 1951 and 1952. At these sessions, twenty-nine friendly witnesses named 280 individuals, of whom sixty-eight appeared as unfriendly witnesses.

The hearings in 1951-1952 total some 2,000 pages—chock-full of the friendliness of friendly witnesses and the unfriendliness of unfriendly ones — and very little else. The committee announced: "If communism in Hollywood is now mythical, it is only because the committee conducted three investigations to bring it about." The HUAC had succeeded beyond its wildest dreams; and it has repeated the Hollywood formula through the years in a series of infiltration hearings on labor unions, education, entertainment, youth, minority groups, the foreign language press, and so on.

The area hearings mirror the same pattern: typically, we begin with an informer and end with exposure. The Honolulu sessions of April, 1950, were the first classic area hearings; they initiated a prolonged series of field hearings, a form of junketeering of which the committee has become enamored. The Honolulu sessions aired material which was already known to the FBI; Congressman Walter, who presided, made no bones about his hope that the "power of public opinion" would implement the committee's public disclosures (no less than nineteen ex-Communists testified).

The potency of informers in triggering hearings is illustrated by a series of area hearings held by the committee in 1956. The Smith Act prosecutions of the fifties used a large number of FBI agents as witnesses. Now the committee recruited these agents to repeat their court testimony in a round of hearings in the very cities where the prosecutions had taken place. The hearings were made necessary, the committee explained, because the witnesses had names which had been excluded by the rules of evidence from the court testimony.

When the committee returns to an area, it is not because some new subversive threat requires investigation; it is because the committee has found new informers with additional names. In 1955, it held extensive hearings in Newark, centering on the testimony of an FBI agent who, in the words of the committee, "alone identified approximately seventy-five Newark individuals who were active in the clubs of the Communist Party during the witness' period of service to our Government as an FBI agent." In 1958, more names came to the committee's attention through two defectors and an undercover agent; the new list was promptly translated into a second hearing to expose those who had escaped the first.

Since 1950, nearly twenty-five cities (including San Juan, Puerto Rico) have received the area-hearing treatment. The committee returned five times to Chicago and Los Angeles, four times to New York; many others received two or three treatments. In none of these was there any real light shed on communism as such: the committee proved supremely indifferent to what the witness may or may not have done: all it wanted to know is who he was — and whom he knew.

THE VAST majority of the committee's witnesses are unfriendly and decline to answer most of the questions put to them. As a result, the hearings consist largely of unanswered questions. The committee, of course, knows in advance that the witness will not furnish any facts. A bona fide investigating committee might have doubts about wasting its time on such witnesses; the committee cherishes them. They are precisely the ones who have to be exposed.

Equally striking is the committee's exhaustiveness. Members think nothing of traveling to Charlotte, New Haven, Chicago or Buffalo to put a few witnesses on the stand, asking them the one question ("Are you or have you ever been . . . ?" etc.) and then dismissing them. *Everyone* suspected by the committee (except those who arrange for private clearances) must be exposed. This, of course, is the technique of law enforcement, not of Congressional probing. The New York Court of General Sessions tries and punishes every offender brought before it — not just some; a Congressional investigation normally deals only with a sufficient number of witnesses to prove a point. The responsibilities of Congress are too broad and its staff too limited to permit microscopic scrutiny of a field.

The inescapable fact is that the HUAC makes much more sense as a kind of criminal court than it does as a legislative investigating committee. Like a court, it operates directly and with finality upon individuals. It has the institutional homogeneity of a court; it has exercised its power in the same way under Republican (Thomas and Velde) and Democratic (Wood and Walter) leadership. It thinks of itself as a continuing institution; as early as 1949 it informed Congress that "its work is part of an eleven-year continuity of effort. . . . At no time in those eleven years has it ever wavered from a relentless pursuit and exposure of the Communist fifth column." Only recently, in the course of a hearing, it took occasion to comment with satisfaction upon the fact that it was exposing the children of individuals who had been exposed in the forties and subsequently jailed and blacklisted.

THE regular, continuous and recurrent way in which it has operated through the years is the key to an understanding of the committee's institutional role. Legislative investigations are *ad hoc* and discontinuous — the exception and not the rule. The Rivers and Harbors or the Education and Labor committees do not launch investigations without a substantial public need. And the need arises quite rarely.

But the HUAC *must*, at frequent intervals, exercise its investigative powers. As the leader of the ultra-rightist forces in the country, it dare not slacken its efforts lest its followers be weakened. In addition, the committee can only justify its existence by the claim that the country is crawling with subversives. A retreat from exposure might well be suicidal — a confession that the need for the committee has ended. The committee must continue to expose or die.

But to find new exposure victims is no easy job; the pond has been

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fished pretty dry in the last decade. The number of undercover agents which the FBI can turn over to the committee is obviously not unlimited in view of the shrunken size of the Communist Party. And the hope for defectors among current party members is hardly promising: the Senate Internal Security Subcommittee has estimated that it takes three years for newly defected party members to ripen into informers (ah, research!). Besides, many defectors —especially those who leave the party over theoretical differences— are unwilling to inform.

The HUAC uses a variety of methods to maintain the continuity of its exposure system, the most common method being to require the witness to give names. If he refuses to inform, he goes to jail for contempt. Witnesses who plead with the committee to waive this requirement so that they can be cleared as friendly witnesses are almost always refused, even though they promise full disclosure of their own activities. Thus the witness is forced to protect his associates by pleading the Fifth Amendment to all questions. This doesn't bother the committee; the witness who pleads the Fifth brings punishment down upon his own head —his reputation is smeared, and he is likely to lose his job. Frequently the committee already knows the names which it is attempting to force out of the witness; but that makes no difference. There is, it insists, an important principle involved: an ex-Communist who refuses to turn informer has failed to prove that he has made a "clean break." His patriotism is suspect.

The committee's need for names drives it farther and farther into the past—when the party's membership was far more numerous than it is today. The political enthusiasms of one's youth—even though long since revised or abandoned—may result not merely in one committee appearance, but in periodic appearances. The HUAC lives in an eternal springtime in which a condemned association of today or twenty years ago is viewed with equal and unfading hostility. In its view, subversion is chronic, incurable and cumulative.

Herblock in St. Louis Post-Dispatch

"All we want is the truth as we see it."

Another common source of names are administrative and court cases. The committee regularly subpoenas and exposes individuals who are involved in loyalty proceedings of one kind or another. In 1956, it subpoenaed passport applicants who were challenging the State Department's denial of passports on political grounds. In 1959, it subpoenaed a large group of foreign-born Americans who had successfully resisted efforts to deport them. In 1960, it called for an exposure hearing of a number of applicants for renewal of radio licenses who were resisting an administrative loyalty test. It did the same thing to merchant seamen and marine radio operators who had attacked the Coast Guard's loyalty screening program. When a litigant wins a "political" case in court or before an administrative agency, the committee frequently subpoenas him to prove that a miscarriage of justice occurred and that the court or agency was soft on communism.

The committee constantly increases its bank of names by developing new chains of organizational kinship to the Communist Party parent stock. If a victim cannot be exposed as a member or former member of the party, he can at least be exposed as a fellow traveler, an agent, a front, a dupe, a supporter of Communist causes.

THE EXPOSURE hearing is a highly efficient weapon. Professor Daniel Pollitt, studying the results of two years of hearings, showed that of sixty-four unfriendly witnesses appearing before the committee on whom information was available, fifty lost their jobs. By the early fifties, many powerful employers— General Electric, Westinghouse, Bethlehem Steel, U.S. Steel, among others—had ruled that an employee who refused to cooperate as a HUAC witness was subject to suspension or dismissal. Many Boards of Education established similar rulings, as did universities, newspapers, orchestras, private schools, social agencies, research organizations and the United Nations.

There are even a number of states which deny unemployment benefits to persons who have lost their jobs for having been unfriendly witnesses.

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In some states, an unfriendly witness cannot obtain a license to sell liquor, tend bar or perform as a wrestler. The District of Columbia will not permit an unfriendly witness to tune pianos. In Hollywood, it is reported that at least 200 persons are still on the blacklist. A chess tournament in Baltimore was once canceled because a leading contender had been an unfriendly witness.

The HUAC's "exposure" technique is a modern version of the pillory and stocks of the 17th and 18th centuries, which punished and humiliated the offender and at the same time exhibited him as a warning to others. Most important, the pillory held a man helpless in its grasp for the community to work its will on him; it was intended that he be fair game to be spat upon, cursed, taunted and stoned.

And it must be remembered that the pillory, especially in the 17th century, was used to punish persons whose sole crime was dissent.

ADVANTAGE, MR. KRAMER . . *by Roger Kahn*

IT IS DIFFICULT for anyone who has encountered the unregenerate conservatives who dominate the U.S. Lawn Tennis Association not to take a certain perverse delight in the misfortunes which have befallen American amateur tennis. These misfortunes, as you may know, include a shockingly poor showing by our Davis Cup team in Australia, the suspension of one of our best young players for racket throwing, and continued raids on the amateurs by Jack (The Knife) Kramer, a glib Californian who is the Diaghilev of the professional game.

Still, as Don Marquis pointed out, an idea isn't responsible for the people who believe in it. It was possible to relish the spectacle of amateur tennis at Forest Hills, say, without relishing the man who promoted the tournament or the men who wrote bylaws prohibiting Jews and Negroes from joining the West Side Tennis Club, which owned the arena.

I use the past tense because amateur tennis is not the spectacle of high excitement that it once was, nor is it likely ever to be again. The best American players have turned, or been turned, professional and what remains in the amateur listings is, with one or two exceptions, second rate.

The easy temptation is to blame the men who run American amateur tennis and to charge that their thinking is Cro-Magnon. Possibly it is, but to submit to this temptation is to miss the central point. The decline gripping American amateur tennis does not seem to me to be the result of administrative bungling. Rather, it is simply one more manifestation that amateur sports generally are in their dotage and, in some cases, their death throes.

Indications are all around us. College basketball, which once filled Madison Square Garden in New York City, is now secondary to professional basketball there, even though the New York Knickerbockers are one of the poorest teams in the National Basketball Association. College football, which was once the prime attraction of the Los Angeles Coliseum, is now consistently outdrawn by the professional Los Angeles Rams. Pockets of resistance exist (Midwest college football is one), but the trend in all our major spectator sports is to pay to see those athletes who are paid to be seen.

IN MOST cases the reason is quite clear. The professionals are more skilled and so more exciting to watch. For a time it was fashionable to suggest that the pros lacked the competitive spirit of amateurs, but by now this has been thoroughly discredited. Money is the spur that the clear spirit doth raise, and an athlete playing for bread, cake or a new Thunderbird plays every bit as hard as someone hoping to win a laurel wreath or a letter.

What makes tennis unique is that here alone the professional game has not been more exciting than the amateur tournaments. A typical amateur tournament runs for about a week. Men play best three sets out of five; women best two out of three, and anyone losing a match is eliminated. By judicious attendance, a man can follow his favorite through the tournament, see him against a variety of players and styles, and feel, at week's end, when old Billy Smerf is crowned Pacific Southwest Champion, that he has seen something with a beginning, middle and end.

Professional tennis has evolved largely as a series of one-night stands. It has been the custom to sign the best amateur, match him against the professional champion and then take the show on the road for a 100-match series. One can see excellent tennis at one of these matches, but each match is nothing more than one one-hundredth of a tournament. This is akin to seeing a play without a third act—a questionable way to spend an evening, although one which some authors inflict upon playgoers.

The quality of incompleteness, inherent in traditional professional tennis, is what has enabled amateur tennis to prosper so long and so well. Bill Tilden turned professional at his peak. So did Don Budge. Still, even though the best player in the world was ineligible, a tournament at Forest Hills remained the most satisfactory spectator tennis in the United States.

But, inevitably, the forces which have been undermining amateurism everywhere came to bear upon the stronghold of tennis. These forces include increasing confusion about the meaning of amateurism, and the appearance of a driving, opportu-

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nistic promoter who is a product of an era in which driving opportunism has become particularly profitable. They do not include cheating; the concept of cheating, I submit, is approximately five minutes younger than the concept of amateurism.

ACCORDING to the classic definition, an amateur athlete is one who does not accept checks. Periodically, an amateur tennis player turned professional sells an article to a slick magazine in which he bares his chest (or bust, as the case may be). The standard title is, "I Was Paid to Play Amateur Tennis." There are others, such as "I Took Money Under the Table," which suggest interesting scenes; and I firmly expect that the next true confession will bear the headline, "I Was a Dirty Rat." The thing is losing its novelty and titles must become stronger and stronger.

The cheater customarily explains that after he told a promoter that he didn't want to enter the All-India tournament at Delhi, a messenger arrived bearing one ticket, two one-hundred dollar bills and a note saying: "We'd love to have you, if you can make it."

Despite the publicity, such falls from grace do not threaten amateurism any more than a prostitute in love threatens professionalism. They are instances of human weakness which every realist knew, or suspected, anyway. What has threatened amateurism is inconsistent definition of the term. With increasing stress upon materialism, the concept of non-materialism has lost some of its clarity.

An Australian amateur tennis player can sell rackets or balls for a living, lend his name to a brand of sweatshirt, or draw royalties from a ghost-written account of his heroics. He can, in short, use fame won as an amateur to earn money. This may not be your definition of amateurism, or mine, but it is Australia's, and it provides some explanation of why Australian tennis players are less anxious to turn pro than are most Americans.

The U.S.L.T.A. interpretation of amateurism is strict and pure. An American amateur tennis player is forbidden to profit from his sport in any way. If the American amateur wants to write a book about his adventures, he may, but he is not permitted to employ a ghost. Since athletes are even worse at writing than sportswriters are at tennis, this rule is highly effective. (Althea Gibson's life story, *The Grass is Greener*, carries the credit line: edited by Ed Fitzgerald. The editing was extensive, but there were special circumstances. Miss Gibson (a) had a racial story to tell and (b) signed the contract when the U.S.L.T.A. wasn't looking.)

The Australian-U.S. conflict on what amateurism means is something more significant than an amusing but trivial speculation about who slipped $100 to whom under what table. Involved is a basic argument about what the ideal code of amateurism really is, really means.

AGAINST this background of confusion, Jack Kramer has moved in with results that half ruined the United States as an amateur tennis power. Kramer is an excellent gambler, was once the finest tennis player extant and, although he is brash, he talks without pretense; his very brashness works for him. "Lovable old horse thief," people say of Jack. "Miserable, but sincere," the same people say of U.S.L.T.A. officials.

For a time, Kramer ran professional tennis in the accepted manner, making his money from one-night stands. But as he acquired more capital, he plowed it back into the business by signing more and more good amateurs.

He now possesses the services of Pancho Gonzales and Lew Hoad, the two best tennis players in the world, but he also possesses an extensive supporting cast including such players as Alex Olmedo, Ken Rosewall, Tony Trabert, Barry MacKay and Earl Buchholz. Neal Fraser and Rod Laver, the best of the remaining amateurs, being Australians, could afford to turn down offers from Kramer last December. MacKay and Buchholz, Americans, could not — or felt they could not.

Kramer now strongly supports "open" tennis, which is to say tournaments in which professionals and amateurs play one another. He is particularly strong for open tournaments organized by himself. Under Kramer's terms, he will make his stable of pros available for any open tournament in which prize money totals $10,000. In outline, this seems to be the ultimate and, possibly, a satisfactory solution to the U.S. tennis mess, although the problems involved in implementing open tennis are extensive and involved.

HOW SOON will we be able to see the best Australian amateurs face the best American professionals at Forest Hills? I am assured by Mrs. Gladys Heldman, who edits the comprehensive magazine *World Tennis* and knows the international politics of her sport, that it will be some time.

Open tennis is not yet permitted by the International Lawn Tennis Federation. As matters stand, an amateur of any country who plays against a professional immediately loses his amateur status. A year ago, the international group voted on the issue and open tennis was narrowly defeated. (The American delegation voted with the losers.) Kramer has made an enemy or two since then, and prospects for open tennis soon have grown correspondingly worse.

Meanwhile, with all the best Americans and some of the best Australians turned pro, Forest Hills cannot be what it was. Meanwhile, too, Kramer, with his large, expensive stable of stars can conceivably go broke. A war of attrition is possible, but Kramer, with the stars, reminds me of the small boy who owns the ball. If you want to play, sooner or later you will have to play his way. Which is why I say, Advantage, Mr. Kramer.

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BOOKS and the ARTS

The Elders of Our Tribe

David L. Norton

IT IS one of the subtler ills of life in an era of global distress that we are turned into intellectual ambulance-chasers. Relentlessly propelled in the direction of each new catastrophe, we have no power of attention left for events of a softer significance, events which in another time would be widely noted and discussed. Such, I think, must be the explanation for the fact that a massive program of research and publication — a program promising our nation a mature historical consciousness — has yet to receive due public notice.

Under government coordination, the new program of documentary historical publication is designed to remedy a congenital defect in our culture. By temperament forward-looking, we Americans have been unconscionably careless of our past. Whitman-like, we have gloried each day in the new dawn, in the splendor of which all yesterdays are forgotten. We have our small band of Historical Society devotees and Civil War buffs; and on Washington's Birthday the public musters a seemly piety, but it is indicative that of the two tales most often repeated on that occasion, neither is true. In the matter of our great historical figures we have largely preferred romantic fancy to the difficult and perhaps disturbing reality of the man. As a direct result, our basic historical documents — the tangible legacies of our great men — have suffered neglect and abuse, and previous attempts to restore the record have been subject to the vicissitudes of public interest, the profit motive and editorial whim.

Deep as the ruts of our recalcitrance run, it is doubtful that they will survive against the determined effort now being made by the National Historical Publications Commission to seed our national consciousness with historical fact. The commission, originally established in 1934, became inactive during the war. It was reconstituted by the Federal Records Act of 1950 and charged with two tasks: to encourage publication of crucial historical material, and to fashion a plan to coordinate activities of the numerous agencies that might be involved. Philip M. Hamer, himself an American historian, was appointed executive director of the revivified organization. Whatever Congress may have expected, it could not in the nature of bureaucratic process have anticipated the onrush of the present enterprise, which now promises to rescue from oblivion every extant speech, essay, letter, memorandum, grant, writ and marginal jot of our famous men — with, in some cases, checkbook entries and laundry lists thrown in as a final editorial flourish.

The commission came into being with a new precept and a ready example. The precept was comprehensiveness, the example was a project already under way at Princeton University to collect, edit and publish *The Papers of Thomas Jefferson*.

At Princeton nothing was spared in the effort to produce a comprehensive edition, and fifteen volumes have now been released of the estimated fifty that will comprise the work. On this model and sparked by the commission, some twenty-five comparable projects have been shaped. Yale's presses are regularly issuing rich, brown, buckram-bound numbers toward a forty-volume set of *The Papers of Benjamin Franklin*. Harvard is at work on the Adamses—John, John Quincy and Charles Francis—in ninety volumes; and, simultaneously, on a sixteen-volume edition of the Journals of Emerson [see p. 151]. Princeton has undertaken forty volumes of Woodrow Wilson. The Universities of Virginia and Chicago are collaborating on Madison; South Carolina has Calhoun, Columbia has Hamilton and Jay, Vanderbilt has Polk, Kentucky has Clay; James Fenimore Cooper provides a sideline at Harvard. And backing up the projects in work is a list of 112 names of historical figures, from Jane Addams to Brigham Young, that the commission is promoting for similar treatment.

THE volumes now being prepared represent in themselves an enterprise in historiography that taps substantial resources of several kinds. On the financial side the federal government is a patron, but a minor one thus far. Greater sums are being provided by certain states, like South Carolina and Virginia, that have a special interest in a favorite son. Probably the biggest investors are the private foundations, notably Ford, Rockefeller and Guggenheim; but Time, Inc. is a heavy backer of three of the largest projects (Adams, Franklin, Hamilton) in return for the right to publish selected material in advance in *Life*.

It is more interesting to analyze the energy investment required by the rigors of research and editing. One hundred years ago Jared Sparks could put together an edition of Washington's papers almost single-handed, but new editorial standards and the aim of comprehensiveness put today's projects out of all comparison. The Franklin volumes, for example, depend directly upon forty-seven people who are listed as editors, advisers and overseers. More remotely, hundreds are involved.

The case of Franklin is in some ways special, for the job of locating manuscript material was made unusually formidable by the habits of the subject. Franklin traveled widely and in times of crisis, which increased the dispersion of his material and added to natural hazards the peril of confiscation. Natural hazards themselves were considerably abetted by the Franklin manner, for neither he nor his heirs troubled much to preserve the papers that came from his hand. Many were lost, some were destroyed and a good number were distributed far and wide as souvenirs. Nevertheless as collection nears an end some 30,000 items have been recovered.

THE Adamses presented problems of a different kind. About the family hovered a keen sense of consanguine destiny which generated a record-keeping compulsion. A note in John Quincy's diary reads: "A letter-book, a diary, a book of receipts and expenses — these three books, kept without intermission, should be the rule of every man who can read and write." This staunch maxim of the statesman is followed by some mutterings of the private man about the insufferable boredom of the task. But the Adamses were up to it, with the result that the family archives, when unlocked, engulfed the editors of the present project in a mountainous clutter. Included were diaries, letters, letter-books, writs, drafts, posters, passports and check-stubs, in boxes, cabinets, cases, drawers and portfolios. Packaging, indeed, had become such a problem that many bundles were found wrapped in the sturdy parchment of degrees, certifi-

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cates and commissions, with which the family was well supplied.

By earlier standards we might sympathize with an editor who grunted unprintably over the family's lack of selectivity, and even within today's editorial aims the riches of the Adams' archives, and others like it, are an embarrassment. What is to be done, for example, with the nearly 6,000 routine commissions, writs, land grants and licenses that were signed by Jefferson during his brief two years as Governor of Virginia? What is to be done with the hundreds of letters from Frenchmen that swamped Franklin in Paris, uniformly asking for commissions in the U.S. Army? What about Madison's repetitiousness, and Emerson's habit of inserting in his essays verbatim passages from the Journals?

In most cases of this kind editorial judgment is still used, and only representative samples are printed. The obvious regret with which editors speak of such compromises is our assurance that nothing out of the ordinary will be denied us. Included in the Jefferson Papers, for instance, is the letter from a singularly unimaginative correspondent who addressed the author of the Declaration of Independence variously as a "red-headed rascal," "red-headed villain" and "red-headed son-of-a-bitch" in the course of a twelve-line diatribe.

DESPITE minor compromises with the aim of comprehensiveness, the program being coordinated by the National Historical Publications Commission is an extraordinary enterprise, and abroad it is being widely noted as such. Something of its meaning is suggested by this comment which appeared in the *London Times* before the bulk of the present work was even recommended: ". . . there is a sense in which England is a profoundly historically minded country . . . [but] compared with the United States historiography in England is a minor matter, a hobby, a respectable activity but not big business, not one of the pillars of the State. We have no real equivalent to the State historical societies, no historical society of the antiquity and prestige of the Massachusetts Historical Society, no great scholarly enterprises . . . on the scale of the Washington or Jefferson papers or the promised edition of Franklin's works."

For scholars the blessings of historiography as "big business" are obvious. Material hitherto inaccessible will be on hand in every major library in the country, and no longer will it have been edited randomly or according to the acute sense of propriety that was once the rule and called for excision of all passages wherein the subject ruminated about sex, religion, politics, or the darker side of life generally.

But what of the effect on laymen? It will be slower, more residual, but it is here, ultimately, that the measure of culture and of historical consciousness lies. And the shapers of the program have this in mind, for while they have designed it in the first instance to serve the needs of scholars, all prefaces and introductions to these multi-volume sets contain a message addressed to a wider audience. The casual historiography of the past, the message runs in effect, has presented our great historical figures in a colored light. It has chosen their formal work, presented them in Sunday dress. The images that have thus coagulated are public monuments to be revered, not men and women whom we can understand. The new historiography will enable us to reconstruct the lives actually lived by our great figures, day in and day out. It will in short rectify the errors of natural, casual historical process, which is shaped by circumstance and wandering inclination.

This is a major claim, but perhaps not extravagant. It is almost certain that the new historiography will eventually produce deep-seated changes in our conceptions of the large figures of our past. Already amateur Emersonians,

Melancholy in the Families

(From the Spanish of Pablo Neruda)

I keep a blue flask,
inside it an ear and a picture.
When the night closes
the feathers of the owl,
when the rough cherry tree
destroys lips and threats
with shells perforated by ocean winds,
I know there are great expanses and wastes,
quartz in ingots,
pigments,
blue waters waiting for a storm,
heavy silence, veins running backwards, camphor
and fallen things, medals, tenderness,
parachutes and kisses.

It is no more than a step from one day to another,
a lone bottle walking over the sea,
a dining room where roses come,
an abandoned dining room like a fishbone.
I look at a broken glass, a curtain,
at a river dragging pebbles through a deserted hall.
It is a house built in a rain bed,
a house with boarded windows,
entangled with vines.

I go there in the afternoon,
I arrive full of mud and death,
dragging the earth and its roots,
its vague belly where corpses sleep in wheat,
where there are metals and fallen elephants.

But over all of this there is a terrible dining room,
a terrible abandoned dining room
with broken cruets
and vinegar running under the chairs,
a thin ray of the moon,
something dark . . .
and I search for a comparison inside of me.
Maybe it is a store surrounded by the sea
with its torn cloths dripping brine.

It is only an abandoned dining room
and all around there are expanses . . .
submerged factories, lumber,
which I alone know
because I am sad and old,
and know the earth, and am sad.

CLAYTON ESHLEMAN

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who have known their man through the essays and perhaps through Bliss Perry's condensation of the Journals, have been forced into an adjustment. That pure spirit, the Complete Journals reveal, in fact harbored as much dross as the next; that spare, crystalline style was lifted from a remarkable and often shallow verbosity. So, too, with others. So with Franklin; for in the first three volumes of the Papers I have found only one piece that unreservedly reinforces the popular image — a short item from the *Pennsylvania Gazette* of Feb. 18, 1735 entitled "Self-Denial Not the Essence of Virtue."

The demythologizing forced upon us by the new historiography is surely to the good. It leaves room only for the wry regret that it will inadvertently support what might be called the Jack Paar Compulsion in our time—the obsessive wish to see celebrities in their undershirts, for the wrong reasons.

The Mathematics of Dispute

FIGHTS, GAMES, AND DEBATES. By Anatol Rapoport. University of Michigan Press. 400 pp. $6.95.

John G. Kemeny

PERHAPS the least publicized revolution of the twentieth century is the invasion of the social sciences by mathematics. A bitter war is being waged inside ivy walls to decide whether mathematical methods will raise the social sciences to new heights or destroy them completely. One side accuses the invaders of dehumanizing human activities; the other claims that the pillars of tradition criticize activities they are not competent to understand.

Anatol Rapoport is eminently qualified to evaluate the arguments on both sides. His present volume is a delightfully written exposition of three major ways of analyzing human conflict: The purpose of a *fight* is to harm an opponent. In a *game* the opponents compete, but also cooperate to a limited degree. They do this at least in following "rules of the game." *Debates* differ from both fights and games in that the basic purpose is not to defeat the opponent but to convert him.

Fights are an area in which mathematical models, though limited, are highly successful. As a typical and timely example of a fight, the author considers an armaments race. Taking account of various factors which stimulate or restrain the armaments race, the author arrives at a simple model, consisting of two linear differential equations of the first order. As such, this model is simpler than any of classical physics.

Professor Rapoport makes a strong case for stating problems precisely and deducing conclusions from mathematical hypotheses, even if these hypotheses are crude. At worst this exercise will pinpoint the assumptions under which we operate, and at best it can stimulate more searching questions and further research.

Any situation of conflict on the part of two or more competitors, which is governed by precise rules, is considered a "game" by the mathematician. Thus the operation of the stock market may be considered a gigantic game of strategy. The author achieves an admirable balance by showing the area in which the theory of games has made an unquestionable contribution and by pointing to the difficulties in extending these results.

A two person zero-sum game is a conflict in which the amount one side gains is exactly equal to the amount the other loses. In other words, the interests of the two participants are diametrically opposed. For this type of game von Neumann and Morgenstern have worked out a complete theory, which has seen many fruitful applications and which can have direct practical consequences for the social scientist.

For instance, a mathematician can show that it is possible to decide a strategy at the beginning of a game without giving up any freedom of action. This can be accomplished by considering at the outset all possible reactions of the opponent. Equally important is the idea of mixing one's strategies to prevent the opponent from guessing one's motives. This random mixing of strategies is well known to poker players, and similar procedures are called for in most situations of conflict.

The difficulty in the theory of games arises when there is room for cooperation between opponents. This may come about when the interests of two players are not completely opposed, or when there are more than two players.

The problem of "the prisoners' dilemma" is a fine example of a non-zero-sum two person game. Two suspects are arrested on a relatively minor charge, but the district attorney hopes to obtain a confession on a major offense as well. Each prisoner is offered an opportunity of obtaining a light sentence on the minor charge, if he will turn state's evidence and help to convict the other prisoner on the major charge. If both of them refuse the offer, the sum total of their welfare will be maximized. However, there is a temptation for each one to improve his own lot by confessing. The danger, of course, is that they both confess, and will both be convicted of the major crime.

This problem has many ramifications even in this simple form, since such questions as the degree to which the men are able to communicate with each other must be considered. This problem is magnified when there are more than two players. Even more troublesome is the formation of coalitions among various competitors, an area in which a great deal has been written but very little has been agreed on.

The final part deals with techniques for persuading an opponent to accept one's own views. Rapoport proposes a technique for putting an opponent into a receptive frame of mind, and of eliminating from his mind fear of accepting the new view. He illustrates this by sketching a fascinating debate between a Russian and an American, each applying these procedures to his view of the East-West struggle.

NO DOUBT most of us will find this last part engrossing. It avoids the atmosphere of over-simplification and the necessity of passing to the strange and frightening language of mathematics. Nevertheless, it is the most questionable part of the book.

In the first two parts one easily sees where the limitations of the methods lie. The problems are clearly stated, the results can be clearly interpreted and the limitations can be agreed upon. But in the discussion of debates many of the terms are vaguely defined, and quite persuasive points could be turned around and argued as eloquently from the opposite side. The contrast between the third part and the first two is an excellent way of seeing why the non-mathematical techniques are both more appealing to a social scientist and in the long run are likely to be less fruitful.

The reviewer is troubled by a fundamental question concerning our civilization. Rapoport goes to considerable

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length to keep mathematical techniques to a bare minimum, and is apologetic about the necessity of using any mathematics at all. When translating a piece of literature from French to English we always feel that something is lost, yet it is worth while reading the translation. The same cannot be said in translating a mathematical argument, because there is no other language capable of reproducing the argument in its entirety. The intelligent layman has already conceded the battle of understanding modern physical science. Are we soon to enter an era in which discussions in the social sciences will also escape him? Or is it conceivable that we will some day agree that understanding mathematics must be part of the intellectual tools of a well-educated man?

Emerson at Harvard

THE JOURNALS AND MISCELLANEOUS NOTEBOOKS OF RALPH WALDO EMERSON. Vol. I: 1819-1822. Edited by William H. Gilman, Alfred R. Ferguson, George P. Clark and Merrell R. Davis. Harvard University Press. 430 pp. $10.

Newton Arvin

HALF a century ago Emerson's son, Edward Waldo Emerson, edited and published in ten volumes a very full, though by no means a complete, edition of the journals which his father had kept from the time when he was a Junior in college until his old age—over a period, that is, of about fifty years. It was a remarkable editorial performance in some ways, and no one has ever questioned the immense value and interest of these *Journals*, not only as a supplement to Emerson's published work but intrinsically and for their own literary sake.

The job was carried out, however, from our point of view now, imperfectly—not only because even ten volumes were too few but because an understandable filial piety had resulted in a somewhat distorted record. Many omissions were made for the sake of space, and almost all the passages in his journals which Emerson later incorporated in his essays were deleted. Often he revised them for such later use, so this meant that their original and often more striking form was suppressed. Sensibilities of one sort or another, moreover, "had to" be considered; personal allusions had often to be veiled; there was a certain amount of genteel expurgation; and passages were sometimes suppressed, apparently, only because they expressed attitudes that were not quite officially Emersonian.

Professor Gilman and his colleagues have now undertaken the heroic task of editing the complete journals without any deletions or any sort of bowdlerizing. The whole work, when finished, will come to approximately sixteen volumes; this first volume is made up of the journals and notebooks Emerson kept from early in 1820, throughout the rest of his college years, and into the summer of 1822, a year after his graduation—during less than three years, in short. At this rate sixteen volumes will not be too many.

IN AN ADMIRABLE introduction the editors give a very full and extremely interesting account of the ways in which Emerson's son labored to preserve the image of "Mr. Emerson," as he always called him, that had long since become familiar to his enormous audience of readers and admirers. (They do not draw their examples only from these very earliest journals.) Many of the suppressions deemed necessary were slight in themselves, but taken together they do have the effect of tidying up and expurgating an Emerson who was somewhat ranker and more earthy in his form of expression than one would have supposed. When he writes, for example, "What is there of the divine in a barber's shop *or a privy?* Much. All." —the italicized words were dropped.

It is not, however, primarily for the sake of these mildly sensational restorations that the new version is going to be valuable. It is going to be so simply because, on general grounds, we want the fullest possible picture of the mind of a great Representative Man, and writer, like Emerson. This the new edition of the journals will do much to furnish. These earliest journals, boyish and immature as they are, do not have the richer interest intellectually of the later years, and only the special student, perhaps, will find his reward on every page. But they have very decidedly the interest that, not only for the student, attaches to the spectacle of a young and potentially creative mind struggling to free itself from convention and commonplace and to arrive at its

NEWTON ARVIN is the biographer of Hawthorne, Whitman and Melville. He is the editor of The Heart of Hawthorne's Journals *and* The Selected Letters of Henry Adams.

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own idiosyncrasy of insight and truth-telling.

One section of Edward Emerson's edition the present editors have properly omitted: this was a section of nearly twenty pages which reproduced certain extracts from the record of an unnamed undergraduate literary society of which Emerson was for a time secretary; it is not really a part of his own journal. The editors have, however, added to the older version the contents of a college theme book, two miscellaneous notebooks, a notebook made up entirely of quotations from Emerson's reading, and a catalogue of books read that runs from 1819 to 1824. All this is naturally of very uneven interest, but all of it should be accessible to readers of Emerson, and in general the care and thoroughness with which this volume has been prepared make one look forward impatiently to the certainly still more substantial volumes that are to follow.

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LETTER from BERLIN

Donald Richie

BERLIN has become such a cliché that even the most conscientious in other cities probably do not think much about it. Everyone knows it is an island; everyone remembers hearing about the horrors of life in the East; everyone has heard of the "economic miracle" of the West. But somehow it has not sunk in. From an atrocious historical fact Berlin has become a truism — that middle and most meaningful interpretation, Berlin as symbol, has been neglected.

Berlin is both symbol and symptom of the age. It may be thought of as merely a troublesome pimple on the face of Europe, but it is actually the reminder of an apparently permanent cancer and, like all cancroids, it is not pretty: Berlin is two cities, each alien to the other, side by side yet each unnaturally cut off from the other. This, of course, is part of the truism; the bare facts become threatening only when muscled with experience.

It is still impossible, fifteen years later, to take a taxi from one city to the other — it is as though all taxis stopped and turned around at Columbus Circle. Nor is it possible to make a phone call from one section to the other: one must call long distance, putting the call through Pittsburgh, as it were, in order to reach the Bronx.

The simple inconveniences continue to be legion. I know of a man who for fifteen years has lived in the Michaelkirchplatz at the edge of the East, and who works in the Waldemarstrasse, about two blocks away in the West. To get to his job he must board the U-Bahn in the opposite direction, change, and take a streetcar, the whole consuming forty-five minutes. If the East decides to check the subway that morning he may be held up for another hour. Somewhat more fortunate are those few through whose homes the line cuts. They boarded up their Eastern front doors years ago and on summer evenings continue to take the air from their back stoops on the West.

Most Westerners can avoid the inconveniences simply by not going to the East, but this is no escape from the consequences of living in a state of moral gangrene. In all of West Berlin there is no sense that any of these thousands actually belong there; roots have been retracted until the attachment to the city is merely nominal. Building methods, for example, often consist of simply throwing a shiny plastic façade over a ruin. The Kurfürstendamm, now the main street since the Unter den Linden is in the East, is a collection of tasteful and fairly permanent tarpaulins, all designed by the best people and made much of by nostalgic Berliners. Walking around the Bahnhof am Zoo one is inescapably reminded of some world's fair, a collection of rather imposing lathe and vinyl constructions, all terribly up-to-date. One of the results is that one believes only in the ruins; another is that people do not live in Berlin so much as they camp out in it.

THE REASON is that the city has no future; it is impossible to make plans; there is no incentive toward tearing down bullet-pocked ruins when you might not be there next year. Living in plastic tents is much more sensible. Utterly gone is the Berlin of Weill and Brecht, Döpplen and Grosz; completely vanished is that great city we know from Isherwood and Spender and Katherine Anne Porter. It has become a frontier town, with the frontier running all the way around it; it is a city infected with insecurity.

At the same time, however, this has galvanized Berlin into a kind of life one finds missing from other German cities: dear, dead, and beautiful embalmed Munich; new Düsseldorf, the most insufferably smug city since Chicago; bloated Bonn, utterly ridiculous, an old people's convention in the country; Hamburg, huffing and puffing and — like the rest of Germany — thinking only of how much more it can make.

Though the country, cleft in twain, is responsible for its cities, Berlin is, in a way, responsible for the country. Western Germany is a big and sprawling torso, bursting with apparent economic health but kept alive, one would guess, by injections. It has no head. There is no capital, since Bonn is so obviously not; no place for artists and politicians to congregate; no big and representative city one would rather visit than live in.

Still, in Berlin, the people are not allowed to forget the tragedy of their country. This is true nowhere else. Those in Munich could not care less about those in Leipzig, except to make fun of their accents. There is, in fact, grave

DONALD RICHIE, film critic for The Japan Times *and co-author of* The Japanese Film, *is at present working for the German film industry.*

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doubt that Western Germany even wants reunification. It would have to share its new wealth — which is extreme — with poor country cousins. And, of course, the country cousins, inspired by fugitive glimpses through the iron curtain, are envious and resentful. In another generation, if not sooner, Germany will be ready for civil war.

ALL OF THIS is symbolized in that perfect microcosm, Berlin, pawn and scene of the struggle. Yet, the faults of the Western city are almost attractive when compared with the near unbelievable absurdity of life in the Eastern. A young man told me: "Imagine what it would be to live there! Whenever I have to go over, and then come back home, I think — oh, it isn't so bad here after all. At least I don't have to live in the East."

Once in the East the feeling of claustrophobia which is Berlin's contemporary atmosphere grows into something uncomfortably near obsession. One of the reasons is the simple appearance of the city, so inhospitable, so devastated that it is almost ludicrous. West Berlin, through the ruins and over the Tiergarten, appears Babylon itself by comparison. Since the East Berliners need not be wooed—they've been had—the "People's Government" need waste no money in making the city even livable. Thus the section east of the Brandenburg Tor looks like a big sandpile. Where there are not gaping holes there are ruins, enormous, spectacular, Piranesi-type ruins, in which the owl builds its nest, and where the lizard basks.

Another reason for one's acute discomfort is that — as in all great visions of hell — there are few inhabitants. Sometimes I go over to the Komische Oper; leave the Bahnhof am Zoo at the evening rush hour, streets filled, traffic jams. At the Friedrichstrasse, about ten minutes away, the streets seem empty: there are a few cars, a number of police, lots of soldiers, but no crowds. "Why should there be?" asked a friend: "Everyone who can has gotten out long ago."

One of the oddest things about Berlin is that here the cold war has frozen and one can cross on the ice. Going by private auto involves getting permission but traveling the elevated S-Bahn is much simpler. This is controlled by the East and the control is at once apparent, even at the Zoo station. The trains are grimy and every coach contains its placard about every worker doing his bit. But, since it is Eastern, the police do not check it as often as they do the West-controlled subway, the U-Bahn. To be sure, one never knows when a train will be stopped, and everyone knows that everyone else in the train is crossing "illegally." Yet East Berlin knows that it cannot entirely sever the two cities. Berlin is the big hole in the iron curtain and the East still has found no way to plug it, nor any way to keep the East Berliners in. Given their city, indeed, one cannot imagine

Pigeons

(For Hannah Arendt)

Rilke: *Täube, die draussen blieb*

The same old flights, the same old homecomings,
dozens of each per day,
but at least the pigeon gets clear of the pigeon-house . . .
What is home, but a feeling of homesickness
for the flight's lost moment of fluttering terror?

Back in the dovecote, there's another bird,
by all odds the most beautiful,
one that never flew out, and can know nothing of gentleness . . .
Still, only by suffering the rat-race in the arena
can the heart learn to beat.

Think of Leonidas perhaps and the hoplites,
glittering with liberation,
as they combed one another's golden Botticellian hair
at Thermopylae, friends and lovers, the bride and the bridegroom—
and moved into position to die.

Over non-existence arches the all-being—
thence the ball thrown almost out of bounds
stings our hands with the momentum of its drop—
body and gravity,
miraculously multiplied by its mania to return.

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the people in the East as even camping out, they should be nomadic.

Not that they are allowed to be. Those that must remain are practically under military rule. Since Moscow has never been really certain of East Berlin, so perilously near temptation, the army has never relaxed. One finds nothing of the apparent slackness one might encounter in Warsaw or Sophia. There are lots of Russian soldiers and officers around — the latter are the only ones who can afford what little is left of the Adler — and the military naturally inflicts itself upon the civilian.

The latest misery is that all the smaller inns of the city have been closed and this last informal meeting place sealed off. From now on one is to meet in the community rooms opened in all apartment houses. Attendance is mandatory and, in any event, there is nowhere else to go. An acquaintance told me: "The other day a neighbor happened to say that he was going to paint his walls the following day. Instantly all the others spoke up: 'Oh, don't do it tomorrow. Wait until Sunday and we will *all* do it *with* you.'"

Oddly, the Soviets consider East Berlin, or at least a section of it, a showplace. This is the Stalin-allee, a mile or two of big, tiled apartments covered with tedious decorations. In the middle of this dreary vista are two steeples, of which an acquaintance observed: "You see, they're supposed to make it look like Berlin." He continued with: "Here is where all the good Communists live." And apparently an address in the Stalin-allee is considered fashionable, despite the fact that the tile is already falling from these monumental barracks, despite the clogged plumbing of which one hears, the windows which will not open. Here, at any rate, is where a number of doctors have recently been moved, here where there is no mandatory rumpus room, in an effort to keep at least some medical men in almost doctorless East Berlin. With the Berlin population standing at two-to-one in favor of the West, the Eastern government will stoop to woo those it wants. It does not have to worry about the others, those who may have family or property or money which, by historical accident, are located in *Ostesektor*.

THUS these two cities, side by side, grow further apart, and they have already grown so far in the last fifteen years that those in the East and those in the West share almost nothing in common. Youngsters no longer even speak the same kind of German: that most fundamental of all human ties, the bond of language, is gone.

Berlin, just as all the news commentators so blithely announce, is a tragic city. Perhaps this is the reason that it has become a cliché; one does not have to think about a cliché. Oh, yes, one remembers, abstracted, Berlin is an island, a divided island. Yet, in that city there exists in the Museum Dahlem one-half of a really miraculous Van Eyck diptych, an annunciation; the other half is in the Pergamon on the Museumsinsel in the East; it is quite impossible to see them together.

"Something like that," said a German friend, "is what people ought to know about Berlin. Don't you see how important that is? Why, it's symbolic — in fact Berlin is *the* perfect symbol of our times, completely isolated, completely divided. Why don't people see that? Why don't the poets, the novelists, the filmmakers use it?" Why indeed.

FILMS

Robert Hatch

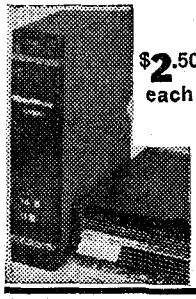
SO MUCH coincidental circumstance surrounds *The Misfits* that it is difficult to see it clearly as a picture. This is the movie that Arthur Miller wrote from his observations in and around Reno at the time of his first divorce. The girl in it is Marilyn Monroe, who has since been herself divorced from Mr. Miller. Playing opposite Miss Monroe is Clark Gable, in a role of enormous but aging vitality, who was to die of a heart attack only weeks after the film was completed. Finally, the script was thought to be of such stature that it has been published by The Viking Press as an experiment in cinema-narration.

The cast is small but impressive — in addition to Miss Monroe and Mr. Gable, it includes Montgomery Clift, Eli Wallach and Thelma Ritter, with James Barton and Estelle Winwood in bit parts. John Huston directs.

Nevertheless, I will risk the guess that the picture is not going to do very well; it has a hollow sound. In part, I think that is Mr. Miller's fault. His is a message drama — the thought being that we are all rudderless ships on the sea of life, but that a woman's love for everything alive and free can bring us safely into port. Though not profound, this perception might do for a nice, moist picture if it were true. But there is no truth, or at least no credibility, in the story Mr. Miller has devised. He has put together the ingredients for a total smash-up, and extricated his victims by main force of narrative.

The difficulty has apparently been compounded by Mr. Huston. His direction shows a bashful solemnity in the face of an original script by the author of *Death of a Salesman* and *A View from the Bridge*. He must, of course, hold his actors in leash for the happy ending that hangs balefully over the action, but beyond that he has them walking on eggs and gulping before they recite the eminent banalities.

There is no depth to the characteriza-



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tions — they are seen as from a car window. Miss Monroe, who under the best of circumstances is not an evocative performer, is obliged here to show how, with no hint of structure in her own life, she can give purpose to the life of an aging cowboy whose two occupations are entertaining neophyte divorcees and capturing wild horses for dog meat (the picture is a powerful indictment of this latter practice, which I believe is now illegal). She is breathless and fey, and expresses abhorrence of cruelty to the least of God's creatures, including rodeo stunt riders. The men, meanwhile, are given the almost impossible task of showing why their lives should be changed by Miss Monroe's singularly indecisive personality.

As you would expect, all three of the men *look* interesting — they have that marvelous Hollywood knack of seeming born in the clothes they wear and to the skills they display. But they betray an air of puzzlement that extends behind the requirements of the plot and is perhaps the source of Miss Ritter's half-suppressed amusement. She is the only relaxed performer on the lot.

I HOPE that Jean Renoir's *The Rules of the Game* is being widely shown over St. Valentine's Day. The version now available includes the cuts made from the film as it was shown back in 1939. The distributors are making a good deal of this, since the public can be relied upon to build private dreams on the word "uncut." The fact is, though, that scissors were taken to the film in the first place only because it was thought too long. The whole story — which says that love becomes tragic when you take it seriously — might be thought a little cynical, but the censors are not alerted by cynicism.

Renoir's picture has wit and craziness; it moves at a wild pace, with instants of personality and situation flashed on the screen like cards. No sane reviewer would attempt to summarize the plot; the situation is the "feudal" estate of a newly wealthy French entrepreneur, who is nevertheless the only person of feelings in the whole rout. Except, that is, for the philosophical oddity played by Renoir himself, a naive man of brimming heart, and for a rascally poacher of rabbits, played by the great comic Carette. The pair of them, too real for the harlequinade, bring the revels to a tragic end. This film woos the mind; it plays the fool with convention and dignity, mocks sentiment and honor, and at the end shows a drop or two of blood on the clown's breast. Taste and elegance are so rare on the screen that, quite absurdly, we hail them as miracles.

THE ENGLISH are going in a good deal just now for what they call larking about. I have seen only one example of several that are around — *The Two-Way Stretch*, in which Peter Sellers, Wilfrid Hyde White and several lesser pranksters turn one of Her Majesty's prisons into a convict's carnival grounds, incidentally effecting a fabulous robbery while apparently safe behind bars. Not a very likely yarn, and not in the class with *The Lavender Hill Mob*, but funny as often as not. Though they do work at it.

THEATRE

Harold Clurman

IT IS a pity about *Midgie Purvis*: she was a lovely creature when she was conceived; she became a grotesque when she was delivered at the Martin Beck Theatre. Many plays and characters — with the best intentions in the world — are distorted in this way on the stage. It occurs to me that if all the values of *Rhinoceros* had been preserved according to Ionesco's plan it might seem much less funny than it does in its present production — and might not have been so cordially received. If *Midgie Purvis* had been produced in the vein in which it was written it would perhaps have been less funny, but its chance of success might have been greater.

Mary Chase, who wrote *Harvey* and *Mrs. McThing* as well as *Midgie Purvis*, has an authentically personal gift for the fey, the delicately eccentric. A true and beautiful lady, she has an aversion to the stuffy and conventional. The girl from nowhere in the musical *Molly Brown* wants to get into Denver high society. Well-born and well-bred Mary Chase wants to fly from it. A poet at heart, Mary Chase has the impulse to evade social routine. All her plays are variations on the theme of imaginative escape, fairy tales of mimic descent to those who are too poor for pretense. Mrs. Chase's heroines always burrow their way down to freedom.

In *Midgie Purvis* a wealthy lady who had been allowed to remain her odd self, through the understanding of a steadfast husband and a fond son, finally feels obliged to flee her home when she has to play "straight" to her son's prospective in-laws — upper-class robots of the least attractive kind. She disguises herself as a lady of great age and hires out as a baby sitter. In this way she will no longer be compelled to wear the mask of seductiveness and prosperity expected of the society matron. Instead everyone will now protect her and favor her with kind attention, while she will use her job and disguise to cavort with kids and run riot as her caprice dictates.

For the most part the play is fanciful, humorous, charming and tender. It suffers chiefly from confinement to the framework of "realism," that is to say, the possible. But even in these terms of airy nonsense (which make the sense I have indicated) *Midgie Purvis* should prove refreshing. Our theatre today is very poor in expansive light comedy; musicals are supposed to fulfill this need,

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but they rarely possess the fineness which Mary Chase's plays, for all their jocose sportiveness, always retain.

Laurette Taylor or Ethel Barrymore in their prime might have played Midgie Purvis. (Today there are Ina Claire, Geraldine Page and undoubtedly many others.) What I am trying to suggest is an actress who, whatever her peculiarities, would always create the impression of a basic dignity and noble sensibility. Tallulah Bankhead is a highly endowed actress (at moments she resembles or sounds like Ethel Barrymore) but she appears to have made it the aim of her recent career to defy her own dignity, to mock her femininity and coarsen the image of herself to the level of night-club (or television) high jinks, only to become a lady clown for the amusement of idle boys.

Despite the sharp showmanship, the deft technique and clear command of this fictitiously commercialized Tallulah, we cannot believe in her Midgie Purvis as a loving mother and a happy refuge for harassed kids. She is chiefly, what one reviewer thought she was supposed to be, a practical joker. Poetry and fantasy are thus dispelled; what remains is gags. Some of these provoke laughter, but to keep the play going on such a tricky basis is to induce a sense of effort which weighs heavily on the play's light texture. The production caricatures the play.

Letters

(Continued from inside cover)

and progressive. Not all at once, but in time, and in three years time can and does move very quickly.

WILLIAM F. CLEARY
Chapala, Jalisco, Mexico

Mr. Baritz's 'Intellectual'

Dear Sirs: There can be no doubt that Mr. Loren Baritz demonstrates in his article "The Lonely Intellectual" (Jan. 21) that he has "met a muse." What he fails to demonstrate, it seems to us, is a thoughtful consideration of the proper role of the intellectual in our society. . . . The intellectual, whatever his discipline, who elevates his differences with society to the plane of a religion of alienation, cannot consider himself an enemy of God. His splendid isolation becomes highly analogous to the fragile mysticism of the Desert Fathers. But exactly what does he think about out there?

MICHAEL AND ELIZABETH ARMSTRONG
Bloomington, Ind.

Dear Sirs: Why does Mr. Baritz think that the only alternative to the intellectual in the schizophrenic ivory tower is the "responsible" egghead who becomes the consultant, joiner, good citizen, or member of the new Administration in Washington? Could it be because he poses the problem in essentially outmoded terms?

Mr. Baritz nowhere gives us his definition of an intellectual, but I suspect it rests on the old theory-practice dualism. Neither is Mr. Baritz aware of the possibility that the intellectual may have made society his enemy as much as society made him its enemy.

It is ironical—or downright unfair—that Mr. Baritz should close with a reference to Socrates who, according to Plato, spent a lifetime implacably critical of the kind of intellectual of Baritz's stripe. In his day they were called Sophists. And, while Socrates did die in a way which Baritz would describe as "irrelevant," he did so precisely because he was so *utterly* relevant!

THOMAS ROBISCHON
Asst. Prof. of Philosophy
American International College
Springfield, Mass.

Chinese Nazis?

Dear Sirs: I noted with some shock the article by Professor Spector ["Breaking the China Stalemate," by Stanley Spector, Jan. 28] trying to prove by strict legalisms that we, and not the Chinese, were the "aggressors" in our mutual relations. . . . Mr. Spector equates the Chinese intervention in North Korea with our involvement in Lebanon, Guatemala and Laos. Lebanon and Laos were established nations; North Korea was a rump state, a pirate nation without roots in the 1,000-year history of the Hermit Kingdom. As to Guatemala, there was never massive intervention by the United States. A few stands of arms, a plane or two; this was not sending in the Marines.

Tibet, says Mr. Spector, is a purely Chinese internal affair; only if the insurrectionaries had come close to winning would it have become a proper concern for world consideration. . . . If this is a proper view . . . we have done a terrible wrong to Goering, von Schirach and others in standing them in the dock at Nuremberg for carrying out the internal business of the Third Reich. . . .

HOWARD LOWELL MORRIS
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Crossword Puzzle No. 903

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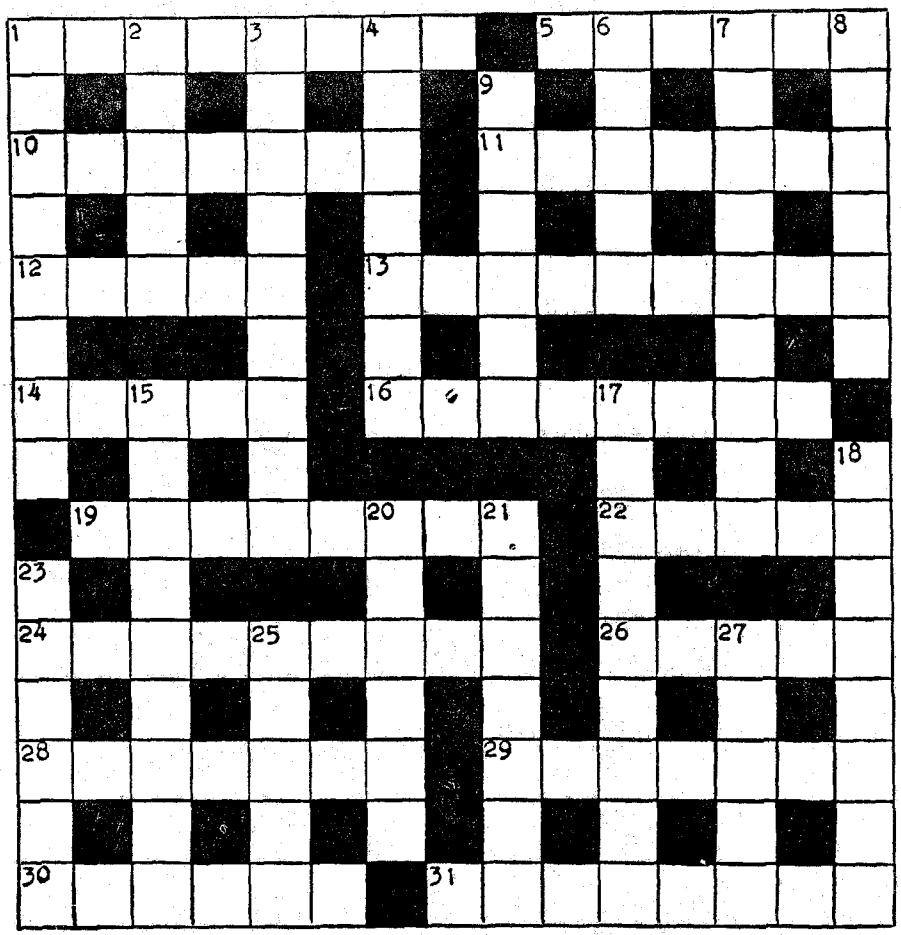

ACROSS:

1 A toss of a coin the undeveloped version shows. (8)
5 Marches along, but not with the workers. (6)
10 You might get let out of the finish, after this plant. (7)
11 Sometimes taken by those who are easily upset. (7)
12 Is she the main character in the opera "Tosca"? (5)
13 One who comes out with a piece of furniture might be questioned. (9)
14 Antony made quite a to-do about his rent! (5)
16 and 2 down Urges a place of punishment on a foreign power? (It's pretty thin!) (8, 5)
19 One might find it the cap of the sentimental. (8)
22 These are sometimes slipped in back. (5)
24 Something neither animal nor vegetable in the G. E. line (9)
26 Where to put chalk with exact timing? (2, 3)
28, 31, 29 and 30 No effort to produce a loss? (7, 8, 7, 6)

DOWN:

1 Where the doughboy stood to make a stand? (8)
2 See 16 across
3 Is it mashed potato she makes, with someone treating? (9)
4 Altered altered and related related to footwork. (7)
6 To rob is wrong, especially for such a servant! (5)
7 Commonly stupid persons who might be associated with 15. (9)
8 A supposedly new sound, so it's about a form of Kilmer's subject matter. (6)
9 Bee? Bah! (6)
15 Ready for dinner? It's past eight! (9)
17 Does it help to blow off steam harmlessly? (9)
18 Sprinkled. (8)
20 Shoes and ships were two of many. (6)
21 Macbeth asked the Doctor to do it to the stuffed bosom with some sweet oblivious antidote. (7)
23 Three G's one found capable of causing dizziness? (6)
25 Splendor dazzles in vain one from home, in Payne's second verse. (5)
27 But the town type weeps no more? (5)

SOLUTION TO PUZZLE NO. 902

ACROSS: 1 Cotton batting; 10 Tying; 11 Xylophone; 12 Mushrooms; 13 Cutie; 14 Working model; 19 Tooth and nail; 22 Night; 24 Boastings; 25 Attenuate; 26 Ivied; 27 Dancing lesson. DOWN: 2 Otiose; 3 Tiger moth; 4 Next of kin; 5 Arles; 6 Topic; 7 Noontide; 8 Stump; 9 Repeals; 15 Nonpareil; 16 Maintains; 17 Stanzas; 18 Golgotha; 20 Indigo; 21 Aside; 23 Tonic; 24 Brain.

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